

eight years after the last injurious exposure; provided that such 3242  
eight-year limitation does not apply to disability or death from 3243  
exposure occurring after January 1, 1976. In the event of death 3244  
following continuous total disability commencing within eight 3245  
years after the last injurious exposure, the requirement of death 3246  
within eight years after the last injurious exposure does not 3247  
apply. 3248

This chapter does not entitle a firefighter or police 3249  
officer, or the firefighter's or police officer's dependents, to 3250  
compensation, medical, hospital, and nursing expenses, or payment 3251  
of funeral expenses for disability or death due to a 3252  
cardiovascular, pulmonary, or respiratory disease in the event of 3253  
failure or omission on the part of the firefighter or police 3254  
officer truthfully to state, when seeking employment, the place, 3255  
duration, and nature of previous employment in answer to an 3256  
inquiry made by the employer. 3257

Before awarding compensation for disability or death under 3258  
this division, the administrator shall refer the claim to a 3259  
qualified medical specialist for examination and recommendation 3260  
with regard to the diagnosis, the extent of disability, the cause 3261  
of death, and other medical questions connected with the claim. A 3262  
firefighter or police officer shall submit to such examinations, 3263  
including clinical and x-ray examinations, as the administrator 3264  
requires. In the event that a firefighter or police officer 3265  
refuses to submit to examinations, including clinical and x-ray 3266  
examinations, after notice from the administrator, or in the event 3267  
that a claimant for compensation for death under this division 3268  
fails to produce necessary consents and permits, after notice from 3269  
the administrator, so that such autopsy examination and tests may 3270  
be performed, then all rights for compensation are forfeited. The 3271  
reasonable compensation of such specialists and the expenses of 3272  
examination and tests shall be paid, if the claim is allowed, as 3273

part of the expenses of the claim, otherwise they shall be paid 3274  
from the surplus fund. 3275

(X) (1) Cancer contracted by a firefighter: Cancer contracted 3276  
by a firefighter who has been assigned to at least six years of 3277  
hazardous duty as a firefighter constitutes a presumption that the 3278  
cancer was contracted in the course of and arising out of the 3279  
firefighter's employment if the firefighter was exposed to an 3280  
agent classified by the international agency for research on 3281  
cancer or its successor organization as a group 1 or 2A 3282  
carcinogen. 3283

(2) The presumption described in division (X) (1) of this 3284  
section is rebuttable in any of the following situations: 3285

(a) There is evidence that the firefighter's exposure, 3286  
outside the scope of the firefighter's official duties, to 3287  
cigarettes, tobacco products, or other conditions presenting an 3288  
extremely high risk for the development of the cancer alleged, was 3289  
probably a significant factor in the cause or progression of the 3290  
cancer. 3291

(b) There is evidence that the firefighter failed to use or 3292  
improperly used protective equipment while performing the 3293  
firefighter's official duties, unless the firefighter was 3294  
instructed to do so by the firefighter's employer or supervisor or 3295  
the firefighter's employer or supervisor failed to make the 3296  
equipment available to the firefighter. 3297

(c) There is evidence that the firefighter was not exposed to 3298  
an agent classified by the international agency for research on 3299  
cancer as a group 1 or 2A carcinogen. 3300

~~(e)~~ (d) There is evidence that the firefighter incurred the 3301  
type of cancer alleged before becoming a member of the fire 3302  
department. 3303

~~(e)~~ (e) The firefighter is seventy years of age or older. 3304

(3) The presumption described in division (X) (1) of this 3305  
section does not apply if it has been more than ~~twenty~~ fifteen 3306  
years since the firefighter was last assigned to hazardous duty as 3307  
a firefighter. 3308

(4) Compensation for cancer contracted by a firefighter in 3309  
the course of hazardous duty under division (X) of this section is 3310  
payable only in the event of temporary total disability, working 3311  
wage loss, permanent total disability, or death, in accordance 3312  
with ~~sections~~ division (A) or (B) (1) of section 4123.56 ~~and~~ 3313  
sections 4123.58 ~~and~~ 4123.59 of the Revised Code. 3314

(5) As used in division (X) of this section, "hazardous duty" 3315  
has the same meaning as in 5 C.F.R. 550.902, as amended. 3316

(Y) Silicosis: Silicosis means a disease of the lungs caused 3317  
by breathing silica dust (silicon dioxide) producing fibrous 3318  
nodules distributed through the lungs and demonstrated by x-ray 3319  
examination, by biopsy or by autopsy. 3320

(Z) Coal miners' pneumoconiosis: Coal miners' pneumoconiosis, 3321  
commonly referred to as "black lung disease," resulting from 3322  
working in the coal mine industry and due to exposure to the 3323  
breathing of coal dust, and demonstrated by x-ray examination, 3324  
biopsy, autopsy or other medical or clinical tests. 3325

This chapter does not entitle an employee or the employee's 3326  
dependents to compensation, medical treatment, or payment of 3327  
funeral expenses for disability or death from silicosis, 3328  
asbestosis, or coal miners' pneumoconiosis unless the employee has 3329  
been subject to injurious exposure to silica dust (silicon 3330  
dioxide), asbestos, or coal dust in the employee's employment in 3331  
this state preceding the employee's disablement, some portion of 3332  
which has been after October 12, 1945, except as provided in 3333  
division (E) of section 4123.57 of the Revised Code. 3334

Compensation on account of silicosis, asbestosis, or coal 3335

miners' pneumoconiosis are payable only in the event of temporary 3336  
total disability, permanent total disability, or death, in 3337  
accordance with sections 4123.56, 4123.58, and 4123.59 of the 3338  
Revised Code. Medical, hospital, and nursing expenses are payable 3339  
in accordance with this chapter. Compensation, medical, hospital, 3340  
and nursing expenses are payable only in the event of such 3341  
disability or death resulting within eight years after the last 3342  
injurious exposure; provided that such eight-year limitation does 3343  
not apply to disability or death occurring after January 1, 1976, 3344  
and further provided that such eight-year limitation does not 3345  
apply to any asbestosis cases. In the event of death following 3346  
continuous total disability commencing within eight years after 3347  
the last injurious exposure, the requirement of death within eight 3348  
years after the last injurious exposure does not apply. 3349

This chapter does not entitle an employee or the employee's 3350  
dependents to compensation, medical, hospital and nursing 3351  
expenses, or payment of funeral expenses for disability or death 3352  
due to silicosis, asbestosis, or coal miners' pneumoconiosis in 3353  
the event of the failure or omission on the part of the employee 3354  
truthfully to state, when seeking employment, the place, duration, 3355  
and nature of previous employment in answer to an inquiry made by 3356  
the employer. 3357

Before awarding compensation for disability or death due to 3358  
silicosis, asbestosis, or coal miners' pneumoconiosis, the 3359  
administrator shall refer the claim to a qualified medical 3360  
specialist for examination and recommendation with regard to the 3361  
diagnosis, the extent of disability, the cause of death, and other 3362  
medical questions connected with the claim. An employee shall 3363  
submit to such examinations, including clinical and x-ray 3364  
examinations, as the administrator requires. In the event that an 3365  
employee refuses to submit to examinations, including clinical and 3366  
x-ray examinations, after notice from the administrator, or in the 3367

event that a claimant for compensation for death due to silicosis, 3368  
asbestosis, or coal miners' pneumoconiosis fails to produce 3369  
necessary consents and permits, after notice from the commission, 3370  
so that such autopsy examination and tests may be performed, then 3371  
all rights for compensation are forfeited. The reasonable 3372  
compensation of such specialist and the expenses of examinations 3373  
and tests shall be paid, if the claim is allowed, as a part of the 3374  
expenses of the claim, otherwise they shall be paid from the 3375  
surplus fund. 3376

(AA) Radiation illness: Any industrial process involving the 3377  
use of radioactive materials. 3378

Claims for compensation and benefits due to radiation illness 3379  
are payable only in the event death or disability occurred within 3380  
eight years after the last injurious exposure provided that such 3381  
eight-year limitation does not apply to disability or death from 3382  
exposure occurring after January 1, 1976. In the event of death 3383  
following continuous disability which commenced within eight years 3384  
of the last injurious exposure the requirement of death within 3385  
eight years after the last injurious exposure does not apply. 3386

(BB) Asbestosis: Asbestosis means a disease caused by 3387  
inhalation or ingestion of asbestos, demonstrated by x-ray 3388  
examination, biopsy, autopsy, or other objective medical or 3389  
clinical tests. 3390

All conditions, restrictions, limitations, and other 3391  
provisions of this section, with reference to the payment of 3392  
compensation or benefits on account of silicosis or coal miners' 3393  
pneumoconiosis apply to the payment of compensation or benefits on 3394  
account of any other occupational disease of the respiratory tract 3395  
resulting from injurious exposures to dust. 3396

The refusal to produce the necessary consents and permits for 3397  
autopsy examination and testing shall not result in forfeiture of 3398

compensation provided the administrator finds that such refusal 3399  
was the result of bona fide religious convictions or teachings to 3400  
which the claimant for compensation adhered prior to the death of 3401  
the decedent. 3402

**Sec. 4123.71.** Every physician in this state attending on or 3403  
called in to visit a patient whom ~~he~~ the physician believes to be 3404  
suffering from an occupational disease as defined in section 3405  
4123.68 of the Revised Code shall, within forty-eight hours from 3406  
the time of making such diagnosis, send to the bureau of workers' 3407  
compensation a report stating: 3408

(A) Name, address, and occupation of patient; 3409

(B) Name and address of business in which employed; 3410

(C) Nature of disease; 3411

(D) Name and address of employer of patient; 3412

(E) Such other information as is reasonably required by the 3413  
bureau. 3414

The reports shall be made on blanks to be furnished by the 3415  
bureau. ~~The mailing of~~ A physician who sends the report within the 3416  
time stated, ~~in a stamped envelope addressed to the office of the~~ 3417  
bureau is ~~a~~ in compliance with this section. 3418

Reports made under this section shall not be evidence of the 3419  
facts therein stated in any action arising out of a disease 3420  
therein reported. 3421

The bureau shall, within twenty-four hours after the receipt 3422  
of the report, send a copy thereof to the employer of the patient 3423  
named in the report. 3424

**Sec. 4123.84.** (A) In all cases of injury or death, claims for 3425  
compensation or benefits for the specific part or parts of the 3426  
body injured shall be forever barred unless, within ~~two years~~ one 3427

year after the injury or death: 3428

(1) Written or facsimile notice of the specific part or parts 3429  
of the body claimed to have been injured has been made to the 3430  
industrial commission or the bureau of workers' compensation; 3431

(2) The employer, with knowledge of a claimed compensable 3432  
injury or occupational disease, has paid wages in lieu of 3433  
compensation for total disability; 3434

(3) In the event the employer is a self-insuring employer, 3435  
one of the following has occurred: 3436

(a) Written or facsimile notice of the specific part or parts 3437  
of the body claimed to have been injured has been given to the 3438  
commission or bureau or the employer has furnished treatment by a 3439  
licensed physician in the employ of an employer, provided, 3440  
however, that the furnishing of such treatment shall not 3441  
~~constitute a recognition of a claim as compensable, but shall do~~ 3442  
no more than satisfy the requirements of this section; 3443

(b) Compensation or benefits have been paid or furnished 3444  
equal to or greater than is provided for in sections 4123.52, 3445  
4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised Code. 3446

(4) Written or facsimile notice of death has been given to 3447  
the commission or bureau. 3448

(B) The bureau shall provide printed notices quoting in full 3449  
division (A) of this section, and every self-insuring employer 3450  
shall post and maintain at all times one or more of the notices in 3451  
conspicuous places in the workshop or places of employment. 3452

(C) The commission has continuing jurisdiction as set forth 3453  
in section 4123.52 of the Revised Code over a claim which meets 3454  
the requirement of this section, including jurisdiction to award 3455  
compensation or benefits for loss or impairment of bodily 3456  
functions developing in a part or parts of the body not specified 3457

pursuant to division (A) (1) of this section, if the commission 3458  
finds that the loss or impairment of bodily functions was due to 3459  
and a result of or a residual of the injury to one of the parts of 3460  
the body set forth in the written notice filed pursuant to 3461  
division (A) (1) of this section. 3462

(D) Any claim pending before the administrator, the 3463  
commission, or a court on December 11, 1967, in which the remedy 3464  
is affected by this section is governed by this section. 3465

(E) Notwithstanding the requirement that the notice required 3466  
to be given to the bureau, commission, or employer under this 3467  
section is to be in writing or facsimile, the bureau may accept, 3468  
assign a claim number, and process a claim when notice is provided 3469  
verbally over the telephone. Immediately upon receipt of notice 3470  
provided verbally over the telephone, the bureau shall send a 3471  
written or facsimile notice to the employer of the bureau's 3472  
receipt of the verbal notice. Within fifteen days after receipt of 3473  
the bureau's written or facsimile notice, the employer may in 3474  
writing or facsimile either verify or not verify the verbal 3475  
notice. If the bureau does not receive the written or facsimile 3476  
notification from the employer or receives a written or facsimile 3477  
notification verifying the verbal notice within such time period, 3478  
the claim is validly filed and such verbal notice tolls the 3479  
statute of limitations in regard to the claim filed and is 3480  
considered to meet the requirements of written or facsimile notice 3481  
required by this section. 3482

(F) As used in division (A) (3) (b) of this section, "benefits" 3483  
means payments by a self-insuring employer to, or on behalf of, an 3484  
employee for a hospital bill, a medical bill to a licensed 3485  
physician or hospital, or an orthopedic or prosthetic device. 3486

**Sec. 4125.07.** (A) As used in this section, "self-insuring 3487  
employer" has the same meaning as in section 4123.01 of the 3488



Revised Code. 3489

(B) Not later than ~~fourteen~~ thirty calendar days after the 3490  
date on which a professional employer organization agreement is 3491  
terminated, the professional employer organization is adjudged 3492  
bankrupt, the professional employer organization ceases operations 3493  
within the state of Ohio, or the registration of the professional 3494  
employer organization is revoked, the professional employer 3495  
organization shall submit to the administrator of workers' 3496  
compensation and each client employer associated with that 3497  
professional employer organization a completed workers' 3498  
compensation lease termination notice form provided by the 3499  
administrator. The completed form shall include all client payroll 3500  
and claim information listed in a format specified by the 3501  
administrator and notice of all workers' compensation claims that 3502  
have been reported to the professional employer organization in 3503  
accordance with its internal reporting policies. 3504

(C) (1) If a professional employer organization that is a 3505  
self-insuring employer is required to submit a workers' 3506  
compensation lease termination notice form under division (B) of 3507  
this section, not later than ~~fourteen~~ thirty calendar days after 3508  
the lease termination the professional employer organization shall 3509  
submit all of the following to the administrator for any years 3510  
necessary for the administrator to develop a state fund experience 3511  
modification factor for each client employer involved in the lease 3512  
termination: 3513

(a) The payroll of each client employer involved in the lease 3514  
termination, organized by manual classification and year; 3515

(b) The medical and indemnity costs of each client employer 3516  
involved in the lease termination, organized by claim; 3517

(c) Any other information the administrator may require to 3518  
develop a state fund experience modification factor for each 3519

client employer involved in the lease termination. 3520

(2) The administrator may require a professional employer 3521  
organization to submit the information required under division 3522  
(C) (1) of this section at additional times after the initial 3523  
submission if the administrator determines that the information is 3524  
necessary for the administrator to develop a state fund experience 3525  
modification factor. 3526

(3) The administrator may revoke or refuse to renew a 3527  
professional employer organization's status as a self-insuring 3528  
employer if the professional employer organization fails to 3529  
provide information requested by the administrator under division 3530  
(C) (1) or (2) of this section. 3531

(D) The administrator shall use the information provided 3532  
under division (C) of this section to develop a state fund 3533  
experience modification factor for each client employer involved 3534  
in a lease termination with a professional employer organization 3535  
that is a self-insuring employer. 3536

(E) A professional employer organization shall report any 3537  
transfer of employees between related professional employer 3538  
organization entities or professional employer organization 3539  
reporting entities to the administrator within fourteen calendar 3540  
days after the date of the transfer on a form prescribed by the 3541  
administrator. The professional employer organization or 3542  
professional employer organization reporting entity shall include 3543  
in the form all client payroll and claim information regarding the 3544  
transferred employees listed in a format specified by the 3545  
administrator and a notice of all workers' compensation claims 3546  
that have been reported to the professional employer organization 3547  
or professional employer organization reporting entity in 3548  
accordance with the internal reporting policies of the 3549  
professional employer organization or professional employer 3550  
organization reporting entity. 3551

(F) Prior to entering into a professional employer 3552  
organization agreement with a client employer, a professional 3553  
employer organization shall disclose in writing to the client 3554  
employer the reporting requirements that apply to the professional 3555  
employer organization under division (C) of this section and that 3556  
the administrator must develop a state fund experience 3557  
modification factor for each client employer involved in a lease 3558  
termination with a professional employer organization that is a 3559  
self-insuring employer. 3560

**Sec. 4167.01.** As used in this chapter: 3561

(A) "Public employer" means any of the following: 3562

(1) The state and its instrumentalities; 3563

(2) Any political subdivisions and their instrumentalities, 3564  
including any county, county hospital, municipal corporation, 3565  
city, village, township, park district, school district, state 3566  
institution of higher learning, public or special district, state 3567  
agency, authority, commission, or board; 3568

(3) Any other branch of public employment not mentioned in 3569  
division (A) (1) or (2) of this section. 3570

(B) "Public employee" means any individual who engages to 3571  
furnish services subject to the direction and control of a public 3572  
employer, including those individuals working for a private 3573  
employer who has contracted with a public employer and over whom 3574  
the national labor relations board has declined jurisdiction. 3575

"Public employee" does not mean any of the following: 3576

(1) ~~A firefighter, an emergency medical technician basic, an 3577  
emergency medical technician intermediate, a paramedic, or a peace 3578  
officer employed by a public employer as defined in division 3579  
(A) (2) of this section, or any member of the organized militia 3580  
ordered to duty by state authority pursuant to Chapter 5923. of 3581~~

the Revised Code, ~~or a firefighter, an emergency medical~~ 3582  
~~technician basic, an emergency medical technician intermediate, or~~ 3583  
~~a paramedic employed by a private employer that is organized as a~~ 3584  
~~nonprofit fire company or life squad that contracts with a public~~ 3585  
~~employer to provide fire protection or emergency medical services;~~ 3586

~~(2) Any person employed as a correctional officer in a county~~ 3587  
~~or municipal corporation correctional institution, whether the~~ 3588  
~~county or municipal corporation solely or in conjunction with each~~ 3589  
~~other operates the institution;~~ 3590

~~(3)~~ Any person who engages to furnish services subject to the 3591  
direction and control of a public employer but does not receive 3592  
compensation, either directly or indirectly, for those services; 3593

~~(4)~~ (3) Any forest-fire investigator, natural resources 3594  
officer, wildlife officer, or preserve officer. 3595

(C) "Public employee representative" means an employee 3596  
organization certified by the state employment relations board 3597  
under section 4117.05 of the Revised Code as the exclusive 3598  
representative of the public employees in a bargaining unit. 3599

(D) "Employment risk reduction standard" means a standard 3600  
which requires conditions, or the adoption or use of one or more 3601  
practices, means, methods, operations, or processes, reasonably 3602  
necessary or appropriate to provide safe and healthful employment 3603  
and places of employment. 3604

(E) "Ohio employment risk reduction standard" means any risk 3605  
reduction standard adopted or issued under this chapter. 3606

(F) "Undue hardship" means any requirement imposed under this 3607  
chapter or a rule or order issued thereunder that would require a 3608  
public employer to take an action with significant difficulty or 3609  
expense when considered in light of all of the following factors: 3610

(1) The nature and cost of the action required under this 3611

chapter; 3612

(2) The overall financial resources of the public employer 3613  
involved in the action; 3614

(3) The number of persons employed by the public employer at 3615  
the particular location where the action may be required; 3616

(4) The effect on expenses and resources or the impact 3617  
otherwise of the action required upon the operations of the public 3618  
employer at the location where the action may be required; 3619

(5) The overall size of the public employer with respect to 3620  
the number of its public employees; 3621

(6) The number, type, and location of the public employer's 3622  
operations, including the composition, structure, and functions of 3623  
the workforce of the public entity; 3624

(7) The geographic separateness, administrative, or fiscal 3625  
relationship of the public employer's operations to the whole 3626  
public employer. 3627

**Sec. 4167.02.** (A) The administrator of ~~worker's~~ workers' 3628  
compensation shall operate and enforce the public employment risk 3629  
reduction program created by this chapter. 3630

(B) The administrator shall do all of the following: 3631

(1) Adopt rules, with the advice and consent of the bureau of 3632  
workers' compensation board of directors and in accordance with 3633  
Chapter 119. of the Revised Code, for the administration and 3634  
enforcement of this chapter, ~~including rules covering standards.~~ 3635  
The administrator shall include both of the following in the 3636  
rules: 3637

(a) Standards the administrator shall follow in issuing an 3638  
emergency temporary Ohio employment risk reduction standard under 3639  
section 4167.08 of the Revised Code and in issuing a temporary 3640

variance and a variance from an Ohio employment risk reduction 3641  
standard or part thereof under section 4167.09 of the Revised 3642  
Code; 3643

(b) Standards and procedures for an effective safety 3644  
partnership agreement program for public employers and employees 3645  
that promotes voluntary compliance with this chapter. 3646

(2) Do all things necessary and appropriate for the 3647  
administration and enforcement of this chapter. 3648

(C) In carrying out the responsibilities of this chapter, the 3649  
administrator may use, with the consent of any federal, state, or 3650  
local agency, the services, facilities, and personnel of such 3651  
agency, with or without reimbursement, and may retain or contract 3652  
with experts, consultants, and organizations for services or 3653  
personnel on such terms as the administrator determines 3654  
appropriate. 3655

**Sec. 4167.10.** (A) In order to carry out the purposes of this 3656  
chapter, the administrator of workers' compensation or the 3657  
administrator's designee shall, as provided in this section, enter 3658  
without delay during normal working hours and at other reasonable 3659  
times, to inspect and investigate any plant, facility, 3660  
establishment, construction site, or any other area, workplace, or 3661  
environment where work is being performed by a public employee of 3662  
a public employer, and any place of employment and all pertinent 3663  
conditions, structures, machines, apparatus, devices, equipment, 3664  
and materials therein, and question privately any public employer, 3665  
administrator, department head, operator, agent, or public 3666  
employee. The authority to inspect and investigate includes the 3667  
taking of environmental samples, the taking and obtaining of 3668  
photographs related to the purposes of the inspection or 3669  
investigation, the examination of records required to be kept 3670  
under section 4167.11 of the Revised Code and other documents and 3671

records relevant to the inspection and investigation, the issuance 3672  
of subpoenas, and the conducting of tests and other studies 3673  
reasonably calculated to serve the purposes of implementing and 3674  
enforcing this chapter. Except as provided in this section, the 3675  
administrator or the administrator's designee shall conduct 3676  
scheduled inspections and investigations only pursuant to rules 3677  
adopted under section 4167.02 of the Revised Code, a request to do 3678  
so by a public employee or public employee representative, or the 3679  
notification the administrator receives pursuant to division (B) 3680  
of section 4167.06 of the Revised Code and only if the 3681  
administrator or the administrator's designee complies with this 3682  
section. The administrator or the administrator's designee shall 3683  
conduct all requested or required inspections within a reasonable 3684  
amount of time following receipt of the request or notification. 3685

(B) (1) Any public employee or public employee representative 3686  
who believes that a violation of an Ohio employment risk reduction 3687  
standard exists that threatens physical harm, or that an imminent 3688  
danger exists, may request an inspection by giving written notice 3689  
to the administrator or the administrator's designee of the 3690  
violation or danger. The notice shall set forth with reasonable 3691  
particularity the grounds for the notice, and shall be signed by 3692  
the public employee or public employee representative. The names 3693  
of individual public employees making the notice or referred to 3694  
therein shall not appear in the copy provided to the public 3695  
employer pursuant to division (B) (2) of this section and shall be 3696  
kept confidential. 3697

(2) If, upon receipt of a notification pursuant to division 3698  
(B) (1) of this section, the administrator determines that there 3699  
are no reasonable grounds to believe that a violation or danger 3700  
exists, the administrator shall inform the public employee or 3701  
public employee representative in writing of the determination. 3702  
If, upon receipt of a notification, the administrator determines 3703

that there are reasonable grounds to believe that a violation or 3704  
danger exists, the administrator shall, within one week, excluding 3705  
Saturdays, Sundays, and any legal holiday as defined in section 3706  
1.14 of the Revised Code, after receipt of the notification, 3707  
notify the public employer, by certified mail, return receipt 3708  
requested, of the alleged violation or danger. The notice provided 3709  
to the public employer or the public employer's agent shall 3710  
~~contain a copy of the notice provided to the administrator by the~~ 3711  
~~public employee or the public employee representative under~~ 3712  
~~division (B) (1) of this section and shall~~ inform the public 3713  
employer of the alleged violation or danger and that the 3714  
administrator or the administrator's designee will investigate and 3715  
inspect the public employer's workplace as provided in this 3716  
section. The public employer must respond to the administrator, in 3717  
a method determined by the administrator, concerning the alleged 3718  
violation or danger, within thirty days after receipt of the 3719  
notice. If the public employer does not correct the violation or 3720  
danger within the thirty-day period or if the public employer 3721  
fails to respond within that time period, the administrator or the 3722  
administrator's designee shall investigate and inspect the public 3723  
employer's workplace as provided in this section. The 3724  
administrator or the administrator's designee shall not conduct 3725  
any inspection prior to the end of the thirty-day period unless 3726  
requested or permitted by the public employer. The administrator 3727  
may, at any time upon the request of the public employer, inspect 3728  
and investigate any violation or danger alleged to exist at the 3729  
public employer's place of employment. 3730

(3) The authority of the administrator or the administrator's 3731  
designee to investigate and inspect a premises pursuant to a 3732  
public employee or public employee representative notification is 3733  
not limited to the alleged violation or danger contained in the 3734  
notification. The administrator or the administrator's designee 3735  
may investigate and inspect any other area of the premises where 3736



there is reason to believe that a violation or danger exists. In 3737  
addition, if the administrator or the administrator's designee 3738  
detects any obvious or apparent violation at any temporary place 3739  
of employment while en route to the premises to be inspected or 3740  
investigated, and that violation presents a substantial 3741  
probability that the condition or practice could result in death 3742  
or serious physical harm, the administrator or the administrator's 3743  
designee may use any of the enforcement mechanisms provided in 3744  
this section to correct or remove the condition or practice. 3745

(4) If, during an inspection or investigation, the 3746  
administrator or the administrator's designee finds any condition 3747  
or practice in any place of employment that presents a substantial 3748  
probability that the condition or practice could result in death 3749  
or serious physical harm, after notifying the employer of the 3750  
administrator's intent to issue an order, the administrator shall 3751  
issue an order, or the administrator's designee shall issue an 3752  
order after consultation either by telephone or in person with the 3753  
administrator and upon the recommendation of the administrator, 3754  
which prohibits the employment of any public employee or any 3755  
continuing operation or process under such condition or practice 3756  
until necessary steps are taken to correct or remove the condition 3757  
or practice. The order shall not be effective for more than 3758  
fifteen days, unless a court of competent jurisdiction otherwise 3759  
orders as provided in section 4167.14 of the Revised Code. 3760

(C) In making any inspections or investigations under this 3761  
chapter, the administrator or the administrator's designee may 3762  
administer oaths and require, by subpoena, the attendance and 3763  
testimony of witnesses and the production of evidence under oath. 3764  
Witnesses shall receive the fees and mileage provided for under 3765  
section 119.094 of the Revised Code. In the case of contumacy, 3766  
failure, or refusal of any person to comply with an order or any 3767  
subpoena lawfully issued, or upon the refusal of any witness to 3768

testify to any matter regarding which the witness may lawfully be 3769  
interrogated, a judge of the court of common pleas of any county 3770  
in this state, on the application of the administrator or the 3771  
administrator's designee, shall issue an order requiring the 3772  
person to appear and to produce evidence if, as, and when so 3773  
ordered, and to give testimony relating to the matter under 3774  
investigation or in question. The court may punish any failure to 3775  
obey the order of the court as a contempt thereof. 3776

(D) If, upon inspection or investigation, the administrator 3777  
or the administrator's designee believes that a public employer 3778  
has violated any requirement of this chapter or any rule, Ohio 3779  
employment risk reduction standard, or order adopted or issued 3780  
pursuant thereto, the administrator or the administrator's 3781  
designee shall, with reasonable promptness, issue a citation to 3782  
the public employer. The citation shall be in writing and describe 3783  
with particularity the nature of the alleged violation, including 3784  
a reference to the provision of law, Ohio employment risk 3785  
reduction standard, rule, or order alleged to have been violated. 3786  
In addition, the citation shall fix a time for the abatement of 3787  
the violation, as provided in division (H) of this section. The 3788  
administrator may prescribe procedures for the issuance of a 3789  
notice with respect to minor violations and for enforcement of 3790  
minor violations that have no direct or immediate relationship to 3791  
safety or health. 3792

(E) Upon receipt of any citation under this section, the 3793  
public employer shall immediately post the citation, or a copy 3794  
thereof, at or near each place an alleged violation referred to in 3795  
the citation occurred. 3796

(F) The administrator may not issue a citation under this 3797  
section after the expiration of six months following the final 3798  
occurrence of any violation. 3799

(G) If the administrator issues a citation pursuant to this 3800

section, the administrator shall mail the citation to the public 3801  
employer by certified mail, return receipt requested. The public 3802  
employer has fourteen days after receipt of the citation within 3803  
which to notify the administrator that the employer wishes to 3804  
contest the citation. If the employer notifies the administrator 3805  
within the fourteen days that the employer wishes to contest the 3806  
citation, or if within fourteen days after the issuance of a 3807  
citation a public employee or public employee representative files 3808  
notice that the time period fixed in the citation for the 3809  
abatement of the violation is unreasonable, the administrator 3810  
shall hold an adjudication hearing in accordance with Chapter 119. 3811  
of the Revised Code. 3812

(H) In establishing the time limits in which a public 3813  
employer must abate a violation under this section, the 3814  
administrator shall consider the costs to the public employer, the 3815  
size and financial resources of the public employer, the severity 3816  
of the violation, the technological feasibility of the public 3817  
employer's ability to comply with requirements of the citation, 3818  
the possible present and future detriment to the health and safety 3819  
of any public employee for failure of the public employer to 3820  
comply with requirements of the citation, and such other factors 3821  
as the administrator determines appropriate. The administrator 3822  
may, after considering the above factors, permit the public 3823  
employer to comply with the citation over a period of up to two 3824  
years and may extend that period an additional one year, as the 3825  
administrator determines appropriate. 3826

(I) Any public employer may request the administrator to 3827  
conduct an employment risk reduction inspection of the public 3828  
employer's place of employment. The administrator or the 3829  
administrator's designee shall conduct the inspection within a 3830  
reasonable amount of time following the request. Neither the 3831  
administrator nor any other person may use any information 3832

obtained from the inspection for a period not to exceed three 3833  
years in any proceeding for a violation of this chapter or any 3834  
rule or order issued thereunder nor in any other action in any 3835  
court in this state. 3836

**Section 101.02.** That existing sections 742.38, 2743.02, 3837  
2744.02, 4113.21, 4121.125, 4121.44, 4123.01, 4123.29, 4123.343, 3838  
4123.511, 4123.512, 4123.53, 4123.54, 4123.56, 4123.57, 4123.66, 3839  
4123.68, 4123.71, 4123.84, 4125.07, 4167.01, 4167.02, and 4167.10 3840  
of the Revised Code are hereby repealed. 3841

**Section 105.01.** That sections 4123.72 and 4167.19 of the 3842  
Revised Code are hereby repealed. 3843

**Section 201.10.** All items in this section are hereby 3844  
appropriated out of any moneys in the state treasury to the credit 3845  
of the designated fund. For all appropriations made in this act, 3846  
those in the first column are for fiscal year 2018, and those in 3847  
the second column are for fiscal year 2019. 3848

BWC BUREAU OF WORKERS' COMPENSATION 3849

Dedicated Purpose Fund Group 3850

7023 855407 Claims, Risk and \$ 115,598,050 \$ 118,300,550 3851

Medical Management

7023 855408 Fraud Prevention \$ 12,791,260 \$ 12,791,260 3852

7023 855409 Administrative \$ 109,472,100 \$ 109,472,100 3853

Services

7023 855410 Attorney General \$ 4,621,850 \$ 4,621,850 3854

Payments

8220 855606 Coal Workers' Fund \$ 154,000 \$ 154,000 3855

8230 855608 Marine Industry \$ 57,000 \$ 57,000 3856

8250 855605 Disabled Workers \$ 173,000 \$ 173,000 3857

Relief Fund

8260 855609 Safety and Hygiene \$ 22,000,000 \$ 22,000,000 3858

Operating				
8260 855610	Safety Grants	\$ 15,000,000	\$ 15,000,000	3859
TOTAL DPF Dedicated Purpose Fund		\$ 279,867,260	\$ 282,569,760	3860
Group				
Federal Fund Group				3861
3490 855601	OSHA Enforcement	\$ 1,653,900	\$ 1,653,900	3862
3FW0 855614	BLS SOII Grant	\$ 195,104	\$ 195,104	3863
3FW0 855615	NIOSH Grant	\$ 200,000	\$ 200,000	3864
TOTAL FED Federal Fund Group		\$ 2,049,004	\$ 2,049,004	3865
TOTAL ALL BUDGET FUND GROUPS		\$ 281,916,264	\$ 284,618,764	3866
WORKERS' COMPENSATION FRAUD UNIT				3867
Of the foregoing appropriation item 855410, Attorney General				3868
Payments, \$828,200 in each fiscal year shall be used to fund the				3869
expenses of the Workers' Compensation Fraud Unit within the				3870
Attorney General's Office. These payments shall be processed at				3871
the beginning of each quarter of each fiscal year and deposited				3872
into the Workers' Compensation Section Fund (Fund 1950) used by				3873
the Attorney General.				3874
SAFETY AND HYGIENE				3875
Notwithstanding section 4121.37 of the Revised Code, the				3876
Treasurer of State shall remit \$22,000,000 cash in fiscal year				3877
2018 and \$22,000,000 cash in fiscal year 2019 from the State				3878
Insurance Fund to the state treasury to the credit of the Safety				3879
and Hygiene Fund (Fund 8260).				3880
OSHA ON-SITE CONSULTATION PROGRAM				3881
A portion of the foregoing appropriation item 855609, Safety				3882
and Hygiene Operating, may be used to provide the state match for				3883
federal funding of the Occupational Safety and Health				3884
Administration's On-site Consultation Program operated by the				3885
Division of Safety and Hygiene.				3886
VOCATIONAL REHABILITATION				3887

The Bureau of Workers' Compensation and the Opportunities for 3888  
Ohioans with Disabilities Agency may enter into an interagency 3889  
agreement for the provision of vocational rehabilitation services 3890  
and staff to mutually eligible clients. The Bureau may provide 3891  
funds from the State Insurance Fund to fund vocational 3892  
rehabilitation services and staff in accordance with the 3893  
interagency agreement. 3894

**Section 201.20. DEPUTY INSPECTOR GENERAL FOR BWC AND OIC** 3895  
**FUNDING** 3896

To pay for the FY 2018 costs related to the Deputy Inspector 3897  
General for the Bureau of Workers' Compensation and Industrial 3898  
Commission, on July 1, 2017, and January 1, 2018, or as soon as 3899  
possible thereafter, the Director of Budget and Management shall 3900  
transfer \$212,500 in cash from the Workers' Compensation Fund 3901  
(Fund 7023) to the Deputy Inspector General for the Bureau of 3902  
Workers' Compensation and Industrial Commission Fund (Fund 5FT0). 3903

To pay for the FY 2019 costs related to the Deputy Inspector 3904  
General for the Bureau of Workers' Compensation and Industrial 3905  
Commission, on July 1, 2018, and January 1, 2019, or as soon as 3906  
possible thereafter, the Director of Budget and Management shall 3907  
transfer \$212,500 in cash from the Workers' Compensation Fund 3908  
(Fund 7023) to the Deputy Inspector General for the Bureau of 3909  
Workers' Compensation and Industrial Commission Fund (Fund 5FT0). 3910

If additional amounts are needed, the Inspector General may 3911  
seek Controlling Board approval for additional transfers of cash 3912  
and to increase the amount appropriated in appropriation item 3913  
965604, Deputy Inspector General for the Bureau of Workers' 3914  
Compensation and Industrial Commission. 3915

**Section 707.10.** The amendment made by this act to section 3916  
742.38 of the Revised Code applies only to an application for a 3917

disability benefit pursuant to Chapter 742. of the Revised Code 3918  
that is filed on or after the effective date of this section. 3919

**Section 741.10.** The amendment by this act to section 4123.57 3920  
of the Revised Code applies to any application for a determination 3921  
of the percentage of permanent partial disability filed on or 3922  
after the effective date of this section. 3923

**Section 741.20.** Sections 4123.512 and 4123.84 of the Revised 3924  
Code, division (J) of section 4123.54 of the Revised Code, and 3925  
divisions (X) (2) and (3) of section 4123.68 of the Revised Code, 3926  
as amended by this act, apply to a claim under Chapters 4121., 3927  
4123., 4127., and 4131. of the Revised Code arising on or after 3928  
the effective date of this section. 3929

**Section 741.30.** If, on the effective date of this section, an 3930  
employee's application for a determination of the percentage of 3931  
the employee's permanent partial disability filed under section 3932  
4123.57 of the Revised Code has been suspended pursuant to 3933  
division (C) of section 4123.53 of the Revised Code, the 3934  
Administrator of Workers' Compensation shall send a notice to the 3935  
employee's last known address informing the employee that the 3936  
application may be dismissed unless the employee schedules a 3937  
medical examination with the Bureau of Workers' Compensation 3938  
medical section within thirty days after receiving the notice. If 3939  
the employee does not schedule a medical examination with the 3940  
Bureau medical section within thirty days after receiving the 3941  
notice or fails to attend an examination scheduled with the Bureau 3942  
medical section, notwithstanding division (C) of section 4123.53 3943  
of the Revised Code, the Administrator may dismiss the 3944  
application. The employee may refile the application. A dismissed 3945  
application does not toll the continuing jurisdiction of the 3946  
Industrial Commission under section 4123.52 of the Revised Code. 3947

**Section 741.40.** Sections 2743.02, 2744.02, 4123.01, and 3948  
4123.511 of the Revised Code, as amended by this act, and sections 3949  
2307.82 and 4123.513 of the Revised Code, as enacted by this act, 3950  
apply to claims arising on or after the effective date of this 3951  
section. 3952

**Section 741.50.** The amendment by this act to division (X) (4) 3953  
of section 4123.68 of the Revised Code applies to any claim 3954  
pending on the effective date of this section and to any claim 3955  
filed on or after that date. 3956

**Section 801.10.** Law contained in the Main Operating 3957  
Appropriations Act of the 132nd General Assembly that applies 3958  
generally to the appropriations made in that act also applies 3959  
generally to the appropriations made in this act. 3960

**Section 806.10.** The provisions of law contained in this act, 3961  
and their applications, are severable. If any provision of law 3962  
contained in this act, or if any application of any provision of 3963  
law contained in this act, is held invalid, the invalidity does 3964  
not affect other provisions of law contained in this act and their 3965  
applications that can be given effect without the invalid 3966  
provision or application. 3967

**Section 812.10.** Except as otherwise specifically provided in 3968  
this act, the amendment, enactment, or repeal by this act of a 3969  
section of law is exempt from the referendum under Ohio 3970  
Constitution, Article II, Section 1d and section 1.471 of the 3971  
Revised Code and therefore takes effect immediately when this act 3972  
becomes law. 3973

**Section 812.20.** The amendment, enactment, or repeal by this 3974  
act of the divisions and sections of law listed below are subject 3975



to the referendum under Ohio Constitution, Article II, Section 1c 3976  
and therefore take effect on the ninety-first day after this act 3977  
is filed with the Secretary of State: 3978

All Revised Code sections in Sections 101.01 and 105.01 of 3979  
this act; 3980

Sections of this act prefixed with the number "707." or 3981  
"741." 3982

**Section 815.10.** Section 4121.125 of the Revised Code is 3983  
presented in this act as a composite of the section as amended by 3984  
Sub. H.B. 123, Am. Sub. H.B. 153, and Sub. S.B. 171 of the 129th 3985  
General Assembly. The General Assembly, applying the principle 3986  
stated in division (B) of section 1.52 of the Revised Code that 3987  
amendments are to be harmonized if reasonably capable of 3988  
simultaneous operation, finds that the composite is the resulting 3989  
version of the section in effect prior to the effective date of 3990  
the section as presented in this act. 3991



Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

## ALEC Digital Exchange: Opioids, Education Savings Accounts and Cyberattacks

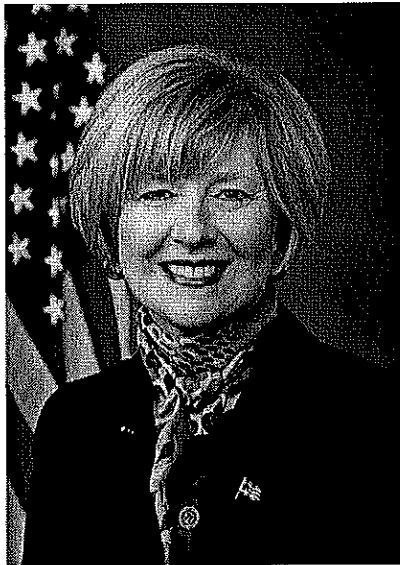
1 message

American Legislative Exchange Council <avarner@alec.org>  
To: latoursm@gmail.com

Thu, May 12, 2016 at 10:31 AM



### Digital Exchange



### TODAY at 1:00 PM ET: Conference Call: Fighting Opioid Abuse

Please join Congresswoman Susan Brooks (IN-5) on a conference call to hear about her proposed policy reforms to fight the growing prescription drug and heroin abuse epidemic. Rep. Brooks' opioids bill (HR 4641) will be voted on in the House of Representatives this Wednesday, May 11.

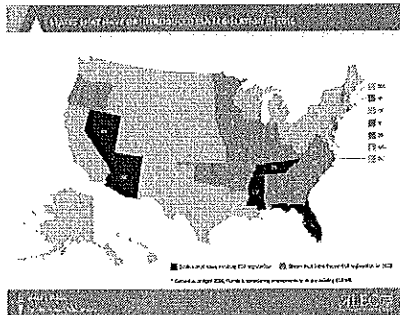
**Date: TODAY, Thursday May 12**

**Time: 1:00 PM EDT**

**Speaker: Representative Susan Brooks (IN-5)**

Read more about Representative Brooks' position on this issue in [her latest opinion piece here](#).

[RSVP Here](#)



### Conference Call: NEW REPORT: The 21st Century Education Savings Accounts

**Date: Friday, May 20**

**Time: 2:00-2:30 PM ET**

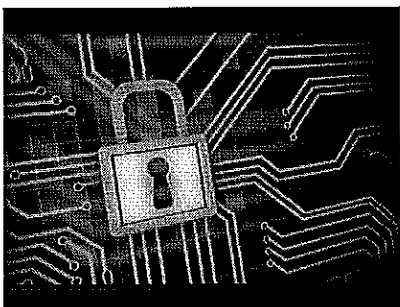
**Speaker: Inez Feltscher, report author and director of the ALEC Task Force on Education and Workforce Development**

Feltscher will speak about a new report being released next week which explores benefits and challenges that accompany the groundbreaking ESA programs which allow parents to fully control state dollars allocated to their child's education. The call will also highlight three tools – peer reviews, branding and consumer reports – that parents will use in the future of individually-customized educational options.

[RSVP Here](#)

### No One Is Immune from Cyberattacks

No industry is "bulletproof" when it comes to cybersecurity measures. The conclusion comes from Verizon's 2016 [Data Breach Investigations Report](#). The Report analyzed over 64,000 incidents.



The 64,000 incidents included over 2,200 confirmed data breaches from across the globe. [...Read More](#)



## Why No American Would Ever Vote to Stay in the European Union

It was amusing, in a car crash sort of way, to hear President Obama solemnly advise our British friends that, really, they must put aside their childish temper tantrum about the European Union (EU), see sense, and vote to uphold the status quo. [...Read More](#)

## Three Tax Lessons the Left Keeps Failing



American Legislative Exchange Council

Wonder why red states tend to outperform blue states in economic outlook and competitiveness? Here are three big reasons on tax policy.

Open



## American Legislative Exchange Council in the News

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[Protesters gather at American Legislative Exchange Council conference Downtown](#)

[Pittsburgh Tuesday takes](#)

[Pittsburgh summit bringing business, legislators together](#)

[Double down on conservative victories](#)

['Financial reality is not negotiable'](#)

[Vermont again 49th on 'Rich States Poor States' ranking](#)

[Left-wing rule sent state into death spiral](#)

[Legislature keeps its thumb on Arizona cities](#)

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[Should the states use Article V to rein in federal government?](#)

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**Senate Floor Report**

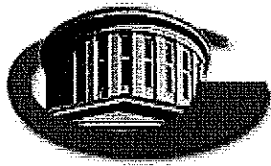
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Tue, May 17, 2016 at 2:51 PM

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To: Standard\_Subscriber\_misc\_html@gongwer-oh.com

**GONGWER** Ohio

The Record of Capitol Square Since 1906

## Senate Activity for Tuesday, May 17, 2016

### PASSED

**HB RETIREMENT SYSTEMS** (Schuring, K.) To include certain nonteaching employees of The University of Akron as 305members in the Public Employees Retirement System and to retroactively extend eligibility for benefits from the

■ Volunteer Peace Officers' Dependents Fund regarding volunteer peace officers who are totally and permanently disabled or killed in the line of duty.

30-1 (Sawyer) (Amended)

**HB IDENTITY THEFT** (Maag, R.) To enable the parents or guardian of a protected consumer to freeze that consumer's 317credit to protect the consumer from identity theft.

■ 31-0

**HB AWARENESS DAY** (Sheehy, M., Patterson, J.) To designate February 17th as "Annie Glenn Communication 431Disorders Awareness Day."

■ 31-0

**SB LICENSE PLATE** (Lehner, P.) To create the 'Ohio Association of Child Caring Agencies' license plate.

23131-0



**SB REAL PROPERTY** (Seitz, B., Skindell, M.) To create a presumption of validity of recorded real property instruments, 257reduce the time period for curing certain defects related to those instruments, and provide constructive notice for

■ those instruments.  
32-0

**SB FLU VACCINE** (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine information sheet pertaining to older adults.

■ 32-0

**SB AWARENESS DAY** (Jones, S.) To designate May 1 as "Fanconi Anemia Awareness Day."

31232-0

■

## REFERRED

### Civil Justice

**HB MORTGAGE FORECLOSURES** (Dever, J.) To establish expedited actions to foreclose mortgages on vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions.

### Education

**HB 89 ■ MEDICAID SCHOOL PROGRAM** (DeVitis, T.) Regarding the Medicaid School Program.

### Finance

**HB FINANCIAL LITERACY** (Terhar, L.) To require the Chancellor of Higher Education to create the SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation.

### Government Oversight & Reform

**HB COMMISSION ELIMINATION** (Brown, T.) To formally abolish certain boards and commissions that have completed

**471** their work and to abolish the Compact with Ohio Cities Task Force.

**SB SUNSET REVIEW** (Jordan, K., Faber, K.) To abolish the Sunset Review Committee and to revise Sunset Review Law **329** to require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to permit the review of other state departments and boards.

## Health & Human Services

**HB BIOLOGICAL PRODUCTS** (Huffman, S., Pelanda, D.) Regarding the regulation of biological products and the substitution of interchangeable biological products when dispensed by pharmacists.

## State & Local Government


**HB CHIROPRACTORS** (Schuring, K.) To authorize chiropractors to engage in certain activities involving nutrition-related items and therapies, nonprescription drugs, and medical goods and devices.

## Transportation, Commerce & Labor

**HB OVI OFFENSES** (Manning, N.) To specify that the prison term that may be imposed for a third degree felony operating a vehicle while intoxicated ("OVI") offense is a definite period of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months, to add "harmful intoxicant" to the definition of "drug of abuse" for the purposes of commercial driver's licensing law, to allow a person to assert the existing affirmative defense of driving in an emergency with regard to a prosecution for driving under a suspended driver's license under specified laws, and to specify that certain enhanced penalties for speeding violations apply regardless of whether the offender previously has been convicted of or pleaded guilty to speeding.


## SIGNED BY THE GOVERNOR

**SB 75 AGRITOURISM** (Jones, S., Peterson, B.) To limit the authority of a board of county commissioners or board of township trustees to prohibit agritourism through zoning, to apply current agricultural use valuation to land used for agritourism for property tax purposes, and to establish immunity in a civil action for agritourism providers.  
Signed: May 17, 2016

**SB 310**  **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing (Enacted) capital projects for the biennium ending June 30, 2018.

Signed: May 17, 2016

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Click the  after a bill number to track that bill and create email alerts on activity.

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**Ohio Report, Wednesday, May 18, 2016**

1 message

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Wed, May 18, 2016 at 6:57 PM

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The Record of Capitol Square Since 1906**Ohio Report for Wednesday, May 18, 2016**

House Sends Bill Removing ABV Limit On Beer To Governor, Approves Changes To Cosmetology, Towing Laws

Senate Passes Tax Law Cleanup, Bills On Emergency Animal Care, Corporate Governance

House Advances Measures Creating First-Degree Felony For Killing Police Dogs, Extending Look-Back Period In OVI Cases

Medical Marijuana Program Placed Under Pharmacy Board In Latest Version Of Bill

Administration Unveils Second EPA Bill In Senate; Latest MBR Includes Lake Erie Protections, New Disposal Regulations

Business Groups Back Employment Discrimination Overhaul, Say It Will Provide Certainty

Tech Companies, Business Advocates Seek Revised Wind Siting Authority

Business Interests Come Out Against Pregnancy Accommodation Bill

Senate Panel Hears Infant Mortality Commission Recommendations

Law Enforcement Representatives Say Pawn Broker Bill Could Hinder Investigations Of Property Crimes

House Panel Approves Pro-Israel Contracting Bill; Timeline For Legislative Pay Commission Resolution Uncertain

Supporters Urge Passage Of Abandoned Home Arson Bill To Enable Prosecutions

New Overtime Rules For Salaried Workers Receive Mixed Reactions

Supplemental Agency Calendar

Senate Committee Hearings

Transportation, Commerce &amp; Labor

Ways &amp; Means

Health &amp; Human Services

Criminal Justice

Government Oversight &amp; Reform

Civil Justice

House Committee Hearings

Energy & Natural Resources

Public Utilities

Health & Aging

Government Accountability & Oversight

## Activity Reports

House

Senate

## Calendars

Day Planner

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### 4 attachments



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**160518dayplan.htm**

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**May18.htm**

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**May18House.htm**

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**Ohio Report, Tuesday, May 17, 2016**

1 message

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Senate Votes To Let Parents Freeze Kids' Credit In ID Theft Cases

Senate Panel Talks Notification Timeframes In Lead Contamination MBR

Administration Proposes Workforce-Related Changes To Higher Ed MBR

ODNR Director Urges No Amendments, Quick House Passage For Natural Resources MBR

Prosecutors Association Comes Out Against Juvenile Parole Bill

Superintendents, Other K-12 Stakeholders Call For Changes To 'Flawed' College Credit Plus Program

Confidentiality Bill Picks Up Jury Pool Exemptions, Cell Phone Transfer Provisions For Domestic Violence Victims

Health Care Providers Push Case For Shorter Pre-Authorization Windows

Kasich Names Morrison As BWC Administrator/CEO

High Court Finds Narrative Descriptions Of Legal Services Are Exempt From Public Record Disclosure

Governor's Appointment

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Financial Institutions

Insurance

State &amp; Local Government

Agriculture

Government Oversight &amp; Reform

Education

Finance

Energy & Natural Resources

House Committee Hearings

Financial Institutions, Housing & Urban Development

Finance

Rules & Reference

Ways & Means

Education

Insurance

Local Government

Government Accountability & Oversight

Finance: Higher Education Sub.

Energy & Natural Resources

Commerce & Labor

Joint Committee Hearings

Sunset Review Committee

Judiciary

## Activity Reports

House

Senate

## Calendars

Day Planner

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### 4 attachments



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**May17Senate.htm**

102K



Sarah LaTourette Kayser &lt;latoursm@gmail.com&gt;

## House Floor Report

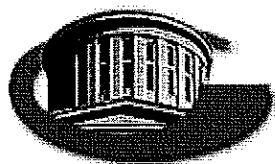
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Gongwer News Service &lt;gongwerreports@gongwer-oh.com&gt;

Tue, May 17, 2016 at 3:37 PM

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**GONGWER** Ohio  
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## House Activity for Tuesday, May 17, 2016

### INTRODUCED AND REFERRED

**HR NONESSENTIAL TRAVEL** (Boggs, K., Antonio, N.) To urge officers and employees of the State of Ohio to refrain from nonessential official travel to the State of North Carolina.  
Government Accountability & Oversight

### INTRODUCED

**HB BROWNFIELDS REMEDIATION** (Driehaus, D.) To require that, if JobsOhio provides financial assistance for the cleanup and remediation of brownfields, at least 85% of the assistance must be in the form of grants. En. 187.14

**HB EMPLOYEE DEFINITION** (Phillips, D., Rogers, J.) To create a generally uniform definition of employee for specified labor laws, to create a uniform standard to determine whether an individual performing services for an employer is an employee of that employer, and to regulate the payment of wages via payroll card. Am. 121.083, 1349.61, 4111.02, 4111.14, 4113.15, 4115.03, 4121.01, 4123.01, 4123.026, 4141.01, and 5747.01 and to enact sections 4113.83, 4113.84, 4113.85, 4113.86, 4113.87, 4113.88, 4175.01, 4175.02, 4175.03, 4175.04, 4175.05, 4175.06, 4175.07, 4175.08, 4175.09, 4175.091, 4175.10, 4175.11, 4175.12, 4175.13, 4175.14, 4175.15, 4175.16, 4175.17, 4175.18, and 4175.99.

**HB BIAS CRIMES** (Antonio, N.) To rename the offense of ethnic intimidation to bias-motivated crime; to expand the scope of the offense to include specified crimes committed based on a person's actual or perceived ethnicity, gender, sexual orientation, gender identity, or disability; to require peace officer training on bias-motivated crime, and to require law enforcement agencies to submit data on bias-motivated crime to the Ohio Department of Public Safety and the Federal Bureau of Investigation and provide for the annual public release of the data. Am. 2927.12

**HB OPEN ENROLLMENT** (Hill, B.) Regarding funding for students enrolled in community schools, STEM schools, and other districts through interdistrict open enrollment. Am. 3313.64, 3313.98, 3313.981, 3314.08, 3326.31, and 3326.33.

**HB CAREER INFORMATION** (Duffey, M., Boggs, K.) Regarding the presentation of career information to students. Am. 5713313.471.

**HB CANCER REPORTING** (Leland, D., Sprague, R.) To allow taxpayers to contribute all or a portion of their income tax refunds to support improved cancer reporting through the Ohio Cancer Incidence Surveillance System Fund. Am. 5747.113 and to enact section 3701.265.

**HB DOG SALES** (Scherer, G.) To regulate the sale of dogs from pet stores and dog retailers and to require the Director of Agriculture to license pet stores. Am. 956.01, 956.13, and 956.18 and to enact sections 956.051, 956.181, 956.19, 956.20, 956.21, 956.22, 956.23, and 956.99.

#### CALENDAR FOR COMING SESSION

**SB AWARENESS MONTH** (Seitz, B., Tavares, C.) To designate the month of April as "Genocide Awareness Month." 188

**SB COSMETOLOGY LAW** (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law. 213

**SB VEHICLE FORCIBLE ENTRY** (Hughes, J., LaRose, F.) To grant a person immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor or an animal from the vehicle because the minor or the animal is in imminent danger of suffering harm. 215

**HB CHILD ABUSE REPORTING** (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. 63

**HB DATA OHIO BOARD** (Hagan, C., Duffey, M.) To create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make an appropriation.

**HB CRIMINAL RECORDS** (Barnes, J.) To enact the Fair and Accurate Reporting of Criminal Records Law, to require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide remedies for the failure of a business entity to remove or correct incomplete or inaccurate information.

**HB TAX EXEMPTION** (Buchy, J.) To exempt memberships to gyms or other recreational facilities operated by nonprofit organizations from sales and use taxation.

**HB TRANSPORTATION LAWS** (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law.

**HB OVI OFFENSES** (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses.

**HB DRUG INJECTIONS** (LaTourette, S.) To authorize a pharmacist to administer by injection certain prescribed drugs.

**HB MILITARY RECORDS** (Perales, R.) To specify that an order for active military service or other documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record.

**HB STATE FINANCING** (McClain, J.) To authorize the Treasurer of State to issue revenue obligations of the state for the

**435** purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the  
Treasurer of State's purchase of public obligations of those qualifying entities.

**HB WEEK DESIGNATION** (Patterson, J.) To designate the week prior to the week of Thanksgiving Day as "Ohio Public  
**438** Education Appreciation Week."

**HB POLICE DOGS** (Schuring, K., Slesnick, S.) To prohibit a person from intentionally killing a police dog in the line of  
**447** duty.

**HB DAY DESIGNATION** (Romanchuk, M., Amstutz, R.) To designate February 3 as "Charles Follis Day."  
**449**

**HB BOARDING SCHOOL ZONE** (Patterson, J., Roegner, K.) To authorize a municipal corporation or township to  
**455** establish a boarding school zone and a special speed limit within that zone.

**HB AWARENESS DAY** (Terhar, L., Johnson, T.) To designate January 31 as 'Omphalocoe Awareness Day.'  
**490**

**HCRWTO RULES** (Burkley, T.) To urge the Office of the United States Trade Representative to ensure that no World  
**10** Trade Organization rules are violated in regard to government funding of the McInnis Cement and the Port-Daniel-  
Gascons cement plant in Quebec, Canada.

**HCRTOXIC EXPOSURE RESEARCH** (Green, D.) To urge the United States Congress to pass and the President to sign  
**28** into law the Toxic Exposure Research Act of 2015.

**HCRCLEAN POWER PLAN** (Hill, B.) To oppose the United States Environmental Protection Agency's Clean Power Plan.  
**29**



**HCR HOPEWELL EARTHWORKS** (Scherer, G.) To express support for the nomination of the Hopewell Ceremonial  
33 Earthworks as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site.

REFERRED

## Finance

**HB OIL AND GAS REVENUE** (Cera, J.) To limit the amount of revenue that may be credited to the Oil and Gas Well  
540 Fund and to allocate funds in excess of that amount to local governments and fire departments.



## Government Accountability & Oversight

**SB PUBLIC RECORDS** (Faber, K.) To create a procedure within the Court of Claims to hear complaints alleging a denial  
321 of access to public records and to modify the circumstances under which a person who files a mandamus action  
seeking the release of public records may be awarded court costs and attorney's fees, and to expand the  
infrastructure record exemption under Public Records Law.

**HB BALLOT VALIDITY** (Clyde, K.) To create a presumption of validity for certain election matters and to require certain  
557 provisional ballots cast in the wrong polling place to be remade and counted.



**SCRS SMART CITY** (Bacon, K., Tavares, C.) To urge the United States Department of Transportation (USDOT) to select  
21 the city of Columbus as the award winner for the USDOT Smart City Challenge.



## State Government

**HB FOOD INSPECTIONS** (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules  
551 governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food  
establishments and food service operations.

SIGNED BY THE GOVERNOR

**HB 151 STALKING** (Anielski, M.) To expand the offenses of menacing by stalking and telecommunications harassment, to prohibit a person from knowingly causing another person to believe that the offender will cause physical harm (Enacted) or mental distress to a family or household member of the other person, to increase the penalty for assault when the victim is a volunteer firefighter, and to correct a cross reference in the theft statute to special purchase articles.  
Signed: May 17, 2016

**HB 243 ARCHITECTS** (Schaffer, T.) To make changes governing the architects board and the landscape architects board regarding continuing education requirements.  
(Enacted) Signed: May 17, 2016

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Click the  after a bill number to track that bill and create email alerts on activity.

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**Ohio Report, Tuesday, May 24, 2016**

1 message

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To: sml@sarahlatourette.com

Tue, May 24, 2016 at 8:44 PM

**GONGWER** Ohio  
The Record of Capitol Square Since 1906**Ohio Report for Tuesday, May 24, 2016**

Naloxone, Hit-Skip Legislation Clears Legislature As Lawmakers Navigate Wave Of Enactments Prior To Summer Recess

House Approves Online Voter Registration, Sex Abuse Education Bills

House Passes Criminal Justice Bills, Including End To Mandatory License Suspensions For Drug Crimes

Late Bill Revisions Allow State To Pay Off Federal Unemployment Compensation Debt, Cut Prison Inspection Panel, Allow For Local Library Bond Levies

GED Changes Among Last-Minute Amendments To Education Bill

New Medical Pot Measure Expands Definition Of Chronic Pain, Puts Cultivators Under DOC

House Panel Advances Public Records Dispute Bill

Senate Panel Plans Wednesday Vote On Bill Regulating Pet Store Dog Buys

Polling Hour Extension Clears House Panel, Heads For Wednesday Floor Vote

ODHE Defends College Credit Plus Funding Structure

Panel To Consider Lengthening Proposed Lead Notification Timeline

Federal Judge Strikes Down Elimination Of 'Golden Week'; Ohio Supreme Court Dismisses Ethics First Case

Gongwer Statehouse Job Market Updated

Governor's Appointments

Supplemental Agency Calendar

Supplemental Event Planner

Senate Committee Hearings

Energy &amp; Natural Resources

Finance

Health &amp; Human Services

Education

Government Oversight & Reform

Financial Institutions

## House Committee Hearings

Transportation & Infrastructure

Insurance

Local Government

Commerce & Labor

Energy & Natural Resources

Judiciary

Community & Family Advancement

Government Accountability & Oversight

Finance: Higher Education Sub.

Ways & Means

Education

Finance

## Activity Reports

House

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## Calendars

Day Planner

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### 4 attachments



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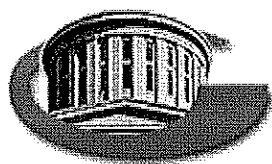
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## Senate Activity for Tuesday, May 24, 2016

### INTRODUCED

**SB VEHICLE SALVAGE DEALERS (Eklund, J.)** To amend the law regulating motor vehicle salvage **334** ■ dealers. Am. 4517.02, 4738.01, 4738.02, and 4738.99

**SB AUTOMATED TELLER MACHINES (Patton, T.)** To regulate non-bank automated teller machines. **335** ■ Am. 1181.081

**SB USED TIRES (Hite, C., LaRose, F.)** To prohibit the installation of unsafe used tires on certain motor **336** ■ vehicles. Am. 1345.99 and to enact section 1345.022

### PASSED

**HB FAILURE TO STOP (Hill, B.)** To increase the penalty for failure to stop after a traffic accident that results **110** ■ in the death of a person or serious physical harm to a person; to name those penalty changes Brandon's Law; to require emergency medical service personnel to report the administration of naloxone on request of a law enforcement agency in specified circumstances; to provide immunity from arrest, prosecution, or conviction, or to permit a court to consider drug treatment or as a mitigating factor in supervised release sanctioning, for a minor drug possession offense for a person who seeks or obtains medical assistance for self or another person who is experiencing a drug overdose or for a person who is experiencing such an overdose and for whom medical assistance is sought; to require training of certain 9-1-1 operators regarding the immunity; and to require those 9-1-1 operators who receive a call about an apparent drug overdose to make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity.

23-10

Gongwer Coverage

**HBCRIMINAL CASES (Johnson, G., Cupp, R.)** To change the time for notification of an alibi defense in a **123** ■ criminal case, to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor, and to request the Supreme Court to modify Criminal Rule 32.2 to allow the court in a felony case to impose community control sanctions without a presentence investigation report upon agreement of the defendant and the prosecutor.

33-0

Gongwer Coverage

**HBDISABILITY TERMS (Dever, J., Howse, S.)** To change the variations of the term "mentally retarded" to **158** ■ "person with an intellectual disability."

33-0

Gongwer Coverage

**HBRECORD SEALING** (Pelanda, D., Rogers, J.) To allow a person who is convicted of an offense that may **164** not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed and to specify that investigation reports the Inspector General maintains are not official records sealable under the Not Guilty/Dismissed Charges/No Bill Record Sealing Law.

33-0 (Amended)

Gongwer Coverage

**HBTRUST LAW** (Hambley, S., Bishoff, H.) To create the Ohio Family Trust Company Act. **229**

29-3 (Skindell, Tavares & Thomas) (Earlier REPORTED-AMENDED)

Gongwer Coverage

**HBCHEMICAL DEPENDENCY** (Sprague, R.) Regarding the practices of chemical dependency counseling **230** and prevention services.

32-0

Gongwer Coverage

**HBSMALL CLAIMS COURTS** (Terhar, L., Dever, J.) To raise the maximum allowable limit of the monetary **387** jurisdiction of small claims divisions of municipal courts.

32-0

Gongwer Coverage

**HBAWARENESS MONTH** (Baker, N.) To designate March as "Fibromuscular Dysplasia Awareness Month." **434**

32-0

Gongwer Coverage

**SB DIABETES** (Hite, C.) To require state agencies to assess the incidence of diabetes in Ohio, to establish **287** goals and plans to reduce that incidence, and to submit biennial reports with findings and recommendations for fiscal and legislative policies on diabetes prevention, treatment, and management.

32-0

Gongwer Coverage

**SB AWARENESS MONTH** (Yuko, K.) To designate September as "Pain Awareness Month." **291**

32-0

Gongwer Coverage

**SB CHILD SUPPORT** (Coley, B.) To amend the child support laws. **308**

32-0

Gongwer Coverage

## RE-REFERRED

**HCR 32 EDUCATION ACT (McColley, R.)** To urge the United States Congress to pass the ADA Education and Reform Act of 2015.

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 213 COSMETOLOGY LAW (Jordan, K., Tavares, C.)** To make changes to the Cosmetology Licensing Law.

33-0

## COMMITTEE HEARINGS

## Energy &amp; Natural Resources

**HB WATER SYSTEMS (Ginter, T.)** To establish requirements governing lead and copper testing for **512** community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. (**CONTINUED (See separate story); 2nd Hearing-All testimony-Possible amendments & vote**)

**Subscribers Note:** For full testimony, see the [committee's website](#) under May 24.

## Finance

**HB911 LEVIES (Brenner, A.)** To authorize a county, township, or municipal corporation to impose a 9-1-1 **277** system levy in only the portion of the subdivision that would be served by the 9-1-1 system. (**CONTINUED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote**)

**HB HIGHER EDUCATION AUDITS (Schaffer, T., Duffey, M.)** To specify that state institutions of higher **384** education may be subject to performance audits conducted by the Auditor of State. (**CONTINUED; 1st Hearing-Sponsor**)

Rep. Duffey and Rep. Schaffer testified that the bill would allow the Auditor of State to conduct performance audits of state colleges and universities.

The performance audits are non-recurring examinations of the economy, efficiency and effectiveness of an entity's programs and functions, and are mostly used to identify waste, not fraud, unlike financial audits.

"Under our legislation, the requirements would match those of performance audits of state agencies, namely, a university would be required to accept comments from interested parties and make them available to the public after receiving a performance audit, and must implement the recommendations within three months after the comment period or, in the alternative, file a report explaining the failure," Rep. Duffey said in prepared testimony.

Performance audits at school districts have identified about \$77 million in potential savings since 2011, Rep. Duffey said. Similar audits of state agencies such as the Department of Transportation identified \$95.9 million more in savings, Rep. Schaffer said.

"In an era where student loan debt is crushing our young people and the cost of higher education can discourage some from pursuing a degree, we need to explore every avenue to keep education costs low," Rep. Schaffer said.

**HB FINANCIAL LITERACY (Terhar, L.)** To require the Chancellor of Higher Education to create the **391** SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. (**CONTINUED; 1st Hearing-All testimony-Possible vote**)

Sponsor Rep. Terhar said the bill would fund a pilot project for the "Smart Ohio Model," a program to educate Ohio students in financial literacy.

"Research tells us that waiting to teach children about financial literacy until they are in high school is not effective," he said. "Young children can be taught age-appropriate financial education concepts and decision-making skills in the lowest grade levels. Teaching financial literacy requires shaping behavior and molding responsible attitudes toward choices and developing critical thinking."

The new funding for the program, \$318,000, will be used for curriculum, assessment, teacher stipends, administration, delivery and marketing, he said. The pilot program is expected to directly affect 7,500 students a year, and in five years he said it should affect 37,500 students over five years.

"It is our priority to teach our children financial literacy, to ensure that the next generation is individually responsible and positively contributing to our country's economic health," Rep. Terhar said.

**HB DEVELOPMENTAL DISABILITIES (Amstutz, R.)** To modify programs administered by the Department 483 of Developmental Disabilities and to make an appropriation. (CONTINUED; 2nd Hearing-All testimony- Possible amendments & vote)

The committee is expected to vote on the bill Wednesday, but several parties asked for amendments to be added dealing with different aspects relating to developmental disabilities.

Sen. Cafaro testified about the problems after many of the clients of the Youngstown Developmental Center were moved to non-institutional programs, some of whom have died in the past year.

"I know this all sounds extreme, but I'm basically telling you this is a cautionary tale," she said. "We had a lot of people here last year saying we're worried that people are going to die, we're worried that people aren't going to get the care they need."

She suggested an amendment that would place a moratorium on closures of developmental facilities until a report on the effect of transfers is completed. She also suggested an amendment making sure the report was provided to the Senate and the minority leaders of both chambers, and one requiring the Department of Developmental Disabilities to start a waitlist for home community services.

Others expressed support for an amendment allowing a streamlined levy process for county boards of developmental disabilities. Right now, said Rebecca Princehorn, with Bricker & Eckler LLP, boards that first sought a levy under old language are stuck with requirements for five-year levies, while those who did so under more recent language are able to pass continuous funding levies.

County boards are also not able to combine different levies into one, which Gary Smith, the director of finance and operations for the Licking County Board of Developmental Disabilities, said could be beneficial.

Sen. Tavares expressed concern that if boards combined their levies, voters could reject all of the funding for a board at once.

Mr. Smith said the boards would not be forced to combine levies.

"I think each board would have to make that decision at the local level," he said. "As our funding now shifts from being a provider of services to being a funder, I think it's important that boards assess what their counties will support and what they won't."

Tiffany Bukoffsky, director of health policy and nursing practice for the Ohio Nurses Association, proposed two amendments, one dealing with removing language on delegated nursing standards and one requiring DODD to submit a report on unlicensed personnel to submit to the Joint Medicaid Oversight Committee.



Mark Davis, president of the Ohio Provider Resource Association, called for an amendment establishing an epidemiological research grant program fund at DODD, saying research could have a significant impact on people with developmental disabilities.

**HB ADOPTION ASSISTANCE (Pelanda, D., Grossman, C.)** To extend the age for which a person is eligible **50** for federal foster care and adoption assistance payments under Title IV-E to age twenty-one, to provide a ward's bill of rights, to require that a guardian receive the Ohio Guardianship Guide, and to make an appropriation. **(REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)**

The committee reported the bill after adopting two amendments from Chair Sen. Oelslager, one that changes the implementation date of the bill and another regarding how the guidebook for caregivers will be distributed.

Kate Neithammer, a policy analyst with the County Commissioners Association of Ohio, expressed concerns with the effect the bill could have on the finances and programs of county foster care programs.

"Projections forecast a state match of \$9 million per year to pull down the federal funding for the extension of foster care services," she said. "We hope that as HB50 moves out of committee, you will keep the cost of this new program at the forefront of your mind and continue to work with the sponsors as they advocate for funding in the next budget."

She said the opiate epidemic has caused an increase in the number of children in foster care, and has increased the costs.

"Local communities provide the lion's share of funding for these important services and the majority of these communities are already struggling to care for their current population," she said.

Suzanne LeSure, a psychiatrist testifying on behalf of the Ohio Psychological Association, said the bill would improve outcomes for children who age out of foster care but are not prepared for life on their own.

"The financial cost of not assisting these young people is enormous," she said in prepared testimony. "While some may be concerned about the cost of this bill, the cost of caring for these youth when they become pregnant, incarcerated or homeless is greater. Some estimates suggest 300,000 per youth."

Edward Gilbert, an Akron attorney who was in the foster care system, shared the story of how he "aged out" of the system and was forced to move back with his father, who had previously pulled a gun on him. His stepmother promised him that she had hidden the gun, but he still slept in his car during weekends to avoid his father. He later was able to go to college and law school.

"Many welfare children have no family back up," he said. "They are forced to be placed in dangerous and uncomfortable situations. After being aged out of the foster care system, a reasonable bridge between 18 and 21 is necessary and long overdue for the safety of our children."

**SB SUMMER MEAL PROGRAM (Brown, E., Lehner, P.)** To require school districts to allow alternative **247** summer meal sponsors to use school facilities to provide food service for summer intervention services under certain conditions. **(REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)**

The committee voted to report the bill after adopting an amendment to standardize terms in the bill with those used in summer food service programs and to move notification of approved program sponsors from a paper copy to a posting on the Department of Education's website.

Mary Lynn Foster, president and CEO of the Children's Hunger Alliance, expressed support for the bill and the amendment.

The program would make it easier for programs to provide summer meals programs in high-poverty neighborhoods, she said, but would not put an additional strain on schools.

"The bill permits schools to charge a reasonable fee to cover costs associated with making the facility available, such as the cost of custodial services and the use of school equipment," she said. "In addition, SB247 seeks to protect the school district from potential liability that may be associated with the operation of the program by requiring sponsors to either have liability insurance or become a named insured under the district's policy."

By making it easier for programs to feed children over the summer, the bill could help improve academic progress for students, Ms. Foster said.

"Increasing the access of hungry children to summer meals clearly has the social benefit of ensuring that hungry children receive nutritious meals," she said.

In a letter, Thomas Smith with the Ohio Council of Churches urged support for the bill, but said schools should not charge fees for the services.

"The least that they can do is make their facility available for the brief time that lunches are being served to children who otherwise would spend the summer without the nutrition that they had all school year," he wrote.

**SB PET STORES** (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the **331** Director of Agriculture to license pet stores. (**CONTINUED-SUBSTITUTE (See separate story)**; 1st Hearing-All testimony-Possible amendments & vote)

#### Health & Human Services

**SB DRUG REGULATIONS** (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, and the provision of addiction services. (**CONTINUED**; 3rd Hearing-Opponent & interested party-Possible amendments & vote)

David Owsiany, executive director of the Ohio Dental Association, expressed concerns on behalf his 5,300 members that dentists would be subject to redundant permitting and regulation under the bill. He said requiring dentists to secure a Terminal Distributor of Dangerous Drugs License would be in addition current requirements for permits and licenses from the Ohio State Dental Board for possessing those very drugs

Mr. Owsiany said the Dental Board's process is thorough and its regulatory oversight is complete allowing for inspections of dental offices in light of patient complaints or adverse occurrences and further allows the dental board to inspect permit holders' offices as part of random quality assurance audits.

Dentists want to remain part of the solution in reforming Ohio's pharmacy laws, but there have been proactively set up regulatory regimes to ensure proper use, storage and tracking of dangerous drugs, he said. He added the association is open for further discussion should it be determined that more needs to be done in this area adding that he believes the Dental Board to be the appropriate entity to regulate dentists as the board is already doing so in a very effective and efficient manner.

Mr. Owsiany mentioned that the association did not want to stand in the way of the bill but would continue to work with the bill's sponsor and the dental board to address these concerns.

Chair Jones asked that any committee members raise any issues with the bill's sponsor. She set a 5 p.m. deadline for any amendments to reach her office in advance of a Wednesday hearing on the measure at which time she said, although marked for a vote, it remains unclear whether or not that vote will take place prior to the scheduled summer recess period.

#### Education

**HBCPR TRAINING** (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and **113** the use of an automated external defibrillator as a requirement for high school graduation. (**REPORTED-AMENDED (See separate story)**; 5th Hearing-All testimony-Possible amendments & vote)

**HB TRUANCY** (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school

**410** attendance. (CONTINUED; 2nd Hearing-Proponent)

Erin Davies, executive director of the Juvenile Justice Coalition, said keeping students engaged in school and understanding why they are truant instead of expelling them is beneficial for them and the state.

"The cost of students who become disengaged from school has a significant financial impact on all Ohioans," she said, noting that students are more likely to drop out of school when they're not attending because of truancy or suspension.

"Research estimates that each youth who drops out of school can cost an average of \$243,000 to \$800,000 over their lifetime due to decreased earnings, lowered tax revenue, and increased involvement with social programs and the criminal justice system," Ms. Davies continued.

"In addition, students who do not attend or drop out of school can decrease funding to Ohio schools. In Fiscal Year 2012, the Ohio Department of Education invested just over \$10,000 per student per year. A student who does not come to school or drops out of school can lead to the loss of thousands of dollars invested in that students' education and reduce overall school funding."

Robert Cole, managing attorney for Advocates for Basic Legal Equality, shared with the panel stories of students who were unable to attend school because of difficulties with parents work schedules or medical treatments.

Those cases could have been resolved instead of being sent to remediation if the school had a model in place to intervene and determine why a student is missing school, he said.

Dustin McKee, policy director of the National Alliance on Mental Illness of Ohio, said the bill's provisions attempting to address the underlying issues of truancy are necessary.

"NAMI Ohio believes that the provisions in this bill that emphasize early intervention, parent notification, and school team planning, will better address the underlying issues that may be leading a student to miss school on a regular basis," he said.

"We also believe that our state should continue moving away from a zero tolerance approach to school discipline and towards a focus on prevention and school discipline that take a student's individual circumstances into account while reserving out-of-school suspensions and expulsions as last resorts."

Others who submitted proponent testimony include: Gabriella Celeste, policy director of the Schubert Center; Kimberly P. Jordan, Director of Justice for Children Project at Ohio State University; Voices for Ohio's Children CEO Brandi Slaughter; Elizabeth Tull Laureano,

senior attorney for the Legal Aid Society of Southwest Ohio; Ohio Poverty Law Center; and Easter Seals of Ohio.

**Confirmation Hearing:** The panel confirmed the appointment of Nancy Hollister to the State Board of Education.

#### Government Oversight & Reform

**HIGHLIGHTED PROPERTY FORECLOSURES** (Grossman, C., Curtin, M.) To establish summary actions to **134** foreclose mortgages on vacant and abandoned residential properties, to expedite the foreclosure and transfer of unoccupied, blighted parcels, to make other changes relative to residential foreclosure actions, and to terminate certain provisions of this act on December 31, 2019, by repealing sections 3767.51, 3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised Code on that date. (CONTINUED-SUBSTITUTE; 2nd Hearing-All testimony-Possible vote)

The committee accepted a substitute bill that includes almost all of the provisions of a separate bill (**HB 463**) dealing with foreclosure proceedings.

The changes would create a fast-track procedure for mortgage foreclosures for vacant and abandoned properties, with judicial oversight to make sure the property was vacant and abandoned and which stops if the borrower defends, Rep. Dever, who sponsored HB463, told the committee.

The new bill creates a criminal mischief liability for a homeowner who destroys the property after being served with a summons and complaint in a foreclosure action.

It also allows the Department of Administrative Services to issue a request for proposals for a new online sheriff sale website, which could be use by sheriffs across the state to cut down on the administrative costs of foreclosure sales.

"The objective is to modernize the sheriff sale process by moving it from the courthouse steps to a single website for use by all county sheriffs," Rep. Dever said. "The bill authorizes online sales, with the goal of opening up the process to a wider audience, ultimately improving sale prices."

Chair Sen. Coley said he believed the bill would solve a number of problems with the foreclosure process, and he said he expected to have the bill voted out Wednesday.

**HB MEDICAL MARIJUANA (Huffman, S.)** To authorize the use of marijuana for medical purposes and to **523** establish the Medical Marijuana Control Program. (CONTINUED-SUBSTITUTE (See separate story); 4th Hearing-All testimony)

#### Financial Institutions

**HB TRUST LAW (Hambley, S., Bishoff, H.)** To create the Ohio Family Trust Company Act. (REPORTED-229 AMENDED-No testimony); 3rd Hearing-All testimony-Possible amendments & vote)

Chair Hughes amended the bill to clarify that long-term care facilities can serve as trustees of qualified income trusts, which exist only to receive a portion of a person's income each month and immediately distribute it to cover the person's contribution to their Medicaid services and other legally-required expenses.

The change, he said, is tied to budget bill language which transforms Ohio's Medicaid program to 1634 status. One part of that change, Sen. Hughes said, is that many people who receive Medicaid-supported long-term care services will have to create qualified income trusts, which are also known as Miller trusts.


He added that long-term care facilities have for decades managed residents' funds in line with a series of state and federal laws.

Sen. Eklund observed that neither the sponsors of the bill nor the backers of the initial legislation object to the amendment.

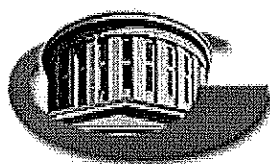
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Click the  after a bill number to create a saved search and email alert for that bill.

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**GONGWER** Ohio  
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## Daily Activity Planner for Wednesday, May 25

### Legislative Committees

**Senate Agriculture** (*Committee Record*) (Chr. Hite, C., 466-8150), South Hearing Rm., 8:45 a.m.

**HB COMPANION ANIMAL ABUSE** (Hall, D., Patmon, B.) To revise provisions and penalties regarding **60** treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse. (4th Hearing-All testimony-Possible amendments & vote)

**HB WINE SALES** (Manning, N.) To establish the F-10 liquor permit to authorize certain A-2 permit holders to **178** sell Ohio wines at farmers markets. (4th Hearing-All testimony-Possible amendments & vote)

**HB WINERY PERMITS** (Young, R.) To create the Ohio Farm Winery Permit. (4th Hearing-All testimony-**342** Possible amendments & vote)

**HBLIQUOR LAWS** (Perales, R., DeVitis, T.) To increase the amount of spirituous liquor that an A-3a liquor **351** permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit. (3rd Hearing-All testimony-Possible amendments & vote)

**Senate Government Oversight & Reform** (*Committee Record*) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 8:45 a.m.

**SB SUNSET REVIEW** (Jordan, K., Faber, K.) To abolish the Sunset Review Committee and to revise Sunset **329** Review Law to require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to permit the review of other state departments and boards. (1st Hearing-Sponsor)

**HB MEDICAL MARIJUANA** (Huffman, S.) To authorize the use of marijuana for medical purposes and to **523** establish the Medical Marijuana Control Program. (5th Hearing-No testimony-Possible amendments & vote)

**HBLIGHTED PROPERTY FORECLOSURES** (Grossman, C., Curtin, M.) To establish summary actions to **134** foreclose mortgages on vacant and abandoned residential properties, to expedite the foreclosure and transfer of unoccupied, blighted parcels, to make other changes relative to residential foreclosure actions, and to terminate certain provisions of this act on December 31, 2019, by repealing sections 3767.51, 3767.52, 3767.53, 3767.54, 3767.55, and 3767.56 of the Revised Code on that date. (3rd Hearing-All testimony-Possible amendments & vote)

**SB CAMPAIGN FINANCE REPORTS** (LaRose, F.) To require certain campaign committees and other **206** entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. (3rd Hearing-All testimony-Possible amendments & vote)

**SB FETAL REMAINS** (Uecker, J.) Regarding final disposition of fetal remains from abortions. (4th Hearing-**254** All testimony-Possible amendments & vote)

**SB PAWNBROKERS** (Eklund, J.) To make changes to the law relating to pawnbrokers. (3rd Hearing-All **270** testimony-Possible amendments & vote)

**Senate Health & Human Services** (*Committee Record*) (Chr. Jones, S., 466-9737), North Hearing Rm., 9 a.m.

**HBDRUG SALES** (Rezabek, J.) To prohibit the over-the counter sale, without a prescription, of **197**dextromethorphan to a person who is under 18 years of age. (5th Hearing-All testimony-Possible amendments & vote)

**HBADULT PROTECTIVE SERVICES** (Retherford, W., Dovilla, M.) To revise the laws governing the **24** provision of adult protective services. (7th Hearing-All testimony-Possible amendments & vote)

**HBEPINEPHRINE ACCESS** (Hagan, C.) To permit epinephrine autoinjectors for which no prescriptions have **200**been written to be stored and accessed for use in case of emergency. (4th Hearing-All testimony-Possible amendments & vote)

**SB DRUG REGULATIONS** (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319**of pharmacy, and the provision of addiction services. (4th Hearing-All testimony-Possible amendments & vote)

**SB INFANT MORTALITY** (Jones, S., Tavares, C.) To provide for the implementation of recommendations, **332**other than those pertaining to tobacco taxes and the minimum purchase age for tobacco products, made by the Commission on Infant Mortality, and to make an appropriation. (1st Hearing-Proponent)

**Senate Energy & Natural Resources** (Committee Record) (Chr. Balderson, T., 466-8076), Grant Hearing Rm., 9:15 a.m.

- Confirmation hearing on governor's appointment of Kelly Bensman, Materials Management Advisory Council

**HBWATER SYSTEMS** (Ginter, T.) To establish requirements governing lead and copper testing for **512**community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. (3rd Hearing-Possible amendments & vote)

**SB IMPROVEMENT DISTRICTS** (Seitz, B.) To revise the law governing special improvement districts **185**created for the purpose of developing and implementing plans for special energy improvement projects. (5th Hearing-Possible amendments & vote)

**House Health & Aging** (Committee Record) (Chr. Gonzales, A., 466-4847), Rm. 116, 9:30 a.m.

**HBMEDICAID DRUG COVERAGE** (Sprague, R., Antonio, N.) To prohibit certain health care plans and the **248**Medicaid program from denying coverage for opioid analgesic drugs with abuse-deterrent technology based solely on cost. (7th Hearing-Possible amendments & vote)

**HBTRAUMA SYSTEM** (Grossman, C., Huffman, S.) To establish the State Trauma Board in the Ohio **261**Department of Health, to require that facilities that provide trauma care be designated by the Board as level I, II, or III trauma centers, and to provide that the amendment by this act to section 101.82 of the Revised Code terminates on December 31, 2016. (9th Hearing-Possible vote)

**HBNURSES** (Pelanda, D.) To revise the law governing advanced practice registered nurses. (4th Hearing-All **216**testimony--Possible substitute & vote)

**HBRETIREMENT SYSTEMS** (Schuring, K., Ramos, D.) To revise the law governing the state's public **520**retirement systems. (4th Hearing-All testimony--Possible substitute)

**SB CARDIAC ARREST** (Hite, C., Patton, T.) With regard to sudden cardiac arrest in youth athletic activities. **252**(3rd Hearing-All testimony--Possible vote)

**HBNURSE ANESTHETISTS** (Schuring, K.) Regarding the authority of certified registered nurse anesthetists **548**to select, order, and administer drugs and to direct certain other persons to administer drugs or perform clinical support functions. (3rd Hearing-Opponent)

**HBSEXUAL ORIENTATION THERAPY** (Drieaus, D., Phillips, D.) To prohibit certain health care **247**professionals from engaging in sexual orientation change efforts when treating minor patients. (1st Hearing-Sponsor)

**Senate Ways & Means** (Committee Record) (Chr. Peterson, B., 466-8156), South Hearing Rm., 9:30 a.m.

**HBLINKED DEPOSITS** (Schuring, K.) To create the business linked deposit program, to permit credit unions

**415** to participate in that program, to permit credit unions to participate in the agricultural linked deposit program, and to make other changes to the linked deposit law. (1st Hearing-Sponsor)

**HB TAX EXEMPTION (Smith, R.)** To specifically exempt digital advertising services from sales and use tax. **466** (3rd Hearing-All testimony-Possible amendments & vote)

**HB TAX EXPENDITURES (Boose, T.)** To create a Tax Expenditure Review Committee for the purpose of **9** periodically reviewing existing and proposed tax expenditures. (4th Hearing-All testimony-Possible amendments & vote)

**HB DEVELOPMENT ZONES (Schuring, K.)** To revise the law governing the creation and operation of joint **182** economic development districts (JEDDs) and enterprise zones. (5th Hearing-All testimony-Possible amendments & vote)

**HB TAX EXEMPTION (Schaffer, T., Retherford, W.)** To exempt the sale of natural gas by a municipal gas **390** company from the sales and use tax. (5th Hearing-All testimony-Possible amendments & vote)

**House Government Accountability & Oversight (Committee Record)** (Chr. Brown, T., 466-8104), Rm. 114, 10 a.m.

**SJR COMPENSATION COMMISSION (Faber, K.)** To establish the Public Office Compensation **1** Commission. (7th Hearing-All testimony-Possible amendments & vote)

**HB AUTISM TREATMENT (Grossman, C., Terhar, L.)** To mandate coverage of autism treatment. (5th **350** Hearing-All testimony-Possible amendments & vote)

~~Canceled: **House Agriculture & Rural Development (Committee Record)** (Chr. Hill, B., 644-6014), Rm. 121, 10 a.m.~~

- Agenda TBA

**Senate Transportation, Commerce & Labor (Committee Record)** (Chr. LaRose, E., 466-4823), North Hearing Rm., 10:15 a.m.

- The committee will consider the governor's appointments of Stephen Lehecka, Mark Palmer, Dewey Stokes and Nicholas Zuk to the Bureau of Workers Compensation Board of Directors

**HB AUTO TECHNICIANS (Antani, N., Reineke, B.)** Regarding employers of automotive technicians and **429** motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program. (3rd Hearing-All testimony-Possible vote)

**SCR MINERS ACT (Gentile, L.)** To urge the Congress of the United States to enact the Miners Protection Act **17** of 2015. (1st Hearing-Sponsor)

**Senate Finance (Committee Record)** (Chr. Oelslager, S., 466-0626), Finance Hearing Rm., 10:30 a.m.

**HB 911 LEVIES (Brenner, A.)** To authorize a county, township, or municipal corporation to impose a 9-1-1 **277** system levy in only the portion of the subdivision that would be served by the 9-1-1 system. (4th Hearing-All testimony-Possible amendments & vote)

**HB FINANCIAL LITERACY (Terhar, L.)** To require the Chancellor of Higher Education to create the **391** SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. (2nd Hearing-All testimony-Possible amendments & vote)

**HB DEVELOPMENTAL DISABILITIES (Amstutz, R.)** To modify programs administered by the Department **483** of Developmental Disabilities and to make an appropriation. (3rd Hearing-All testimony-Possible amendments & vote)

**SB PET STORES (Peterson, B.)** To regulate the sale of dogs from pet stores and dog retailers and to require the **331** Director of Agriculture to license pet stores. (2nd Hearing-All testimony-Possible amendments & vote)

**Senate State & Local Government (Committee Record)** (Chr. Uecker, J., 466-8082), South Hearing Rm., 10:45 a.m.

**HB VETERAN IDENTIFICATION (Anielski, M., Terhar, L.)** To authorize county recorders to issue Ohio **173** veterans identification cards. (3rd Hearing-All testimony-Possible amendments & vote)

**HB ADDRESS CONFIDENTIALITY (Duffey, M., Gonzales, A.)** To create an address confidentiality

**359** program for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. (4th Hearing-All testimony-Possible amendments & vote)

**HB TOWNSHIP LAW (Brinkman, T.)** To add to the purposes for which a board of township trustees may go **413** into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds. (3rd Hearing-All testimony-Possible sub bill, amendments & vote)

**HB AWARENESS DAY (Anielski, M.)** To designate the Saturday before Thanksgiving as "Ohio Survivors of **440** Suicide Loss Day." (1st Hearing-Sponsor)

**SB DAY DESIGNATION (Thomas, C., Tavares, C.)** To designate September 12 as "Jesse Owens Day." (1st **285** Hearing-Sponsor)

**SCRFEDERALISM (Obhof, L., Faber, K.)** To reassert the principles of federalism found throughout the **15** Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. (2nd Hearing-All testimony-Possible vote)

**Senate Rules & Reference (Committee Record)** (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.

**Senate Criminal Justice (Committee Record)** (Chr. Eklund, J., 644-7718), North Hearing Rm., 11:15 a.m.

- Presentation from Michael Farley of the Ohio Supreme Court on proposed amendments to the Rules of Practice and Procedure

**HBHEROIN TRAFFICKING (Blessing, L., Dever, J.)** To decrease the minimum amount of heroin involved in **171a** a violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender. (5th Hearing-All testimony-Possible amendments & vote)

**SB DRUG VOLUME (LaRose, F.)** To provide that five milligrams or more of fentanyl or an amount equal to or **237** exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamphetamine to the list of schedule II controlled substances. (4th Hearing-All testimony-Possible amendments & vote)

**SB CASINO OPERATORS (Seitz, B.)** To specify that the criminal penalty related to casino operators and **265** employees participating in casino gaming applies at their casino facility or an affiliated casino facility. (4th Hearing-All testimony-Possible vote)

**SB EXPUNGEMENT (Obhof, L.)** To provide that a person who is found not guilty of an offense by a jury or a **284** court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (5th Hearing-All testimony-Possible amendments & vote)

**HBARSON (Koehler, K.)** To eliminate lack of the property owner's consent as an element of arson when the **185** property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. (3rd Hearing-All testimony)

**HB MURDER SENTENCING (Maag, R.)** To change the sentence for aggravated murder. (3rd Hearing-All **57** testimony)

**House Session** (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.



**Senate Session** (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

#### Agency Calendar

**BWC Board of Directors**, Rm. 3, Level 2, 30 W. Spring St., Columbus, 9 a.m. (Committee meetings)

#### Event Planner

**2016 Kids Health Conference**, Sheraton Hotel, Capitol Square, Columbus, (Hosted by Voices for Ohio's Children)

**Rep. Bill Reineke (R-Tiffin) fundraiser**, Capital Club, 41 S. High St., Columbus, 8 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Bill Reineke)

**ACLU and Disability Rights Ohio news conference on solitary confinement**, Executive Rm., Sheraton Columbus Hotel, 75 E. State St., Columbus, 10 a.m.

**Rep. Dorothy Pelanda (R-Marysville) and Rep. Jonathan Dever (R-Cincinnati) fundraiser**, Oliver's, 26 N. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Pelanda for State Representative and/or Friends of Jonathan Dever)

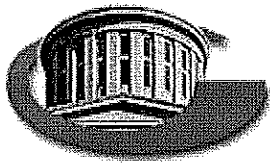
**Adam Miller (D-Candidate 17th House District) fundraiser**, Ohio Theater Patron's Pavilion, 39 E. State St., Columbus, 5:30 p.m., (Miller for Ohio)

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# GONGWER Ohio

The Record of Capitol Square Since 1906

**Volume #85, Report #100 -- Tuesday, May 24, 2016**

**Naloxone, Hit-Skip Legislation Clears Legislature As Lawmakers Navigate Wave Of Enactments Prior To Summer Recess**

Among several measures headed to the governor's desk after a flurry of legislative activity Tuesday is a bill to increase penalties for drivers who flee deadly accidents.

Also poised for Gov. John Kasich's consideration is language granting immunity for those saved from overdoses and providing law enforcement the information on those victims - and it's in the same bill.

The multi-faceted package (HB 110) passed the Senate Wednesday afternoon by a vote of 23-10 along party lines. The House concurred on the Senate's amendments shortly thereafter.

It is one of several pieces of legislation that are changing their stripes with a multitude of amendments as the General Assembly looks to bolt Columbus for the summer after this week. (*See separate stories*)

A few dozen bills got processed in both chambers during lengthy sessions Tuesday, and several dozen more are teed up for votes in committee and the chamber floors on Wednesday.

Sponsored by Rep. Brian Hill (R-Zanesville), HB110 started out as so-called "Brandon's Law," designed to increase penalties for drivers who leave the scene of accidents.

"We are enhancing the penalties under the circumstances for these crimes, but only when an individual perpetrator knows that a serious injury or death has been caused," said Sen. John Eklund (R-Chardon).

Senate Democrats objected to parts of two provisions added in committee, one that gave immunity from certain drug offenses, with conditions, to overdose victims whose lives were saved using the drug naloxone and one that required emergency responders to give law enforcement, upon request, the names of people whose lives had been saved the drug.

Sen. Michael Skindell (D-Lakewood) said the requirement that first responders turn over the names and addresses of those who were saved by naloxone violates the rights of doctor-patient confidentiality and would cause fewer people to call for help.

"This amendment will have a chilling effect and actually can be deadly," he said. "What this amendment does will prevent people who have overdosed from calling for that medical assistance because they fear of ending up in jail."

Sen. Skindell offered an amendment to remove the language from the bill, but that proposal was tabled by a vote of 23-10.

Sen. Bill Seitz (R-Cincinnati), who put the language in the bill, said it came out of meetings with the Hamilton County Heroin Task Force. Law enforcement officials said those who have suffered an overdose are more likely to name their supplier, allowing police to put dealers in jail, he said.

"What the bill is all about is providing tools from the EMS and fire service to the police so that the police can figure out who are these upstream suppliers," he said. "They cannot force the Narcan recipient to tell them."

The immunity provision, also added in an amendment, could also have a chilling effect on people who need to call for help, said Sen. Cecil Thomas (R-Cincinnati).

Sen. Thomas proposed an amendment that would require intervention in lieu of prosecution for crimes of up to a third-degree felony stemming from an incident in which someone received naloxone. It was tabled along party lines.

A former police officer and narcotics investigator, Sen. Thomas said lawmakers shouldn't make the same mistake of trying to lock up street-level dealers that was made during the crack epidemic.

"We didn't recognize the crack epidemic as an illness," he said. "The heroin epidemic is worse than the crack epidemic. It is a disease, folks, and it's spreading like wildfire."

Sen. Seitz said the immunity and good Samaritan provisions in the bill, in which people are directed to treatment instead of being charged with minor drug possession. The provision extends the immunity to the first two times it's needed, and a person can be charged if it happens a third time.

"I think we can do something good before we go home on summer break, and that is to extend the mercy of the law under these circumstances," Sen. Seitz said.

Rep. Denise Drieaus (D-Cincinnati) who worked with Rep. Robert Sprague (R-Findlay) to craft the immunity language in the House, praised the passage in a statement.

"In times of an emergency, when lives are on the line, no one should have to second-guess doing the right thing," she said. "As Ohio communities continue to grapple with the opioid addiction crisis, we have a stronger opportunity to save lives and fight back against our state's drug addiction epidemic."

The Senate unanimously passed a bill (HB 164) after adopting an amendment offered by Sen. Seitz to clarify how it would affect what records of the Inspector General would be public.

The bill allows an individual who was found guilty of a crime that could not be sealed to have it sealed if that later becomes allowable. Sen. Seitz's amendment allows records of investigations by the Inspector General to be sealed if the offender is ultimately found not guilty or if a conviction is reversed.

In other business during a hectic day at the Statehouse, the Senate unanimously passed and the House concurred with amendments on a bill (HB 158) that would remove the term "mental retardation" from almost all instances of the Revised Code. Some references relating to bonding authority were left in so as not to jeopardize bonds, said Sen. Joe Uecker (R-Loveland).

A bill (HB 229) to create two classes of family trust companies to allow families to protect their assets passed the Senate 29-3, with Sen. Skindell, Sen. Thomas and Sen. Charleta Tavares (D-Columbus) opposed and Sen. Capri Cafaro (D-Hubbard) recusing herself.

Sen. Skindell said the bill would allow the very rich to protect their fortunes from taxes.

"This is a clear example of how we are giving special privileges to the mega-rich while at the same time doing little for those of little means," he said.

The Senate also passed a bill (HB 123) that extended the time in advance in which a criminal defendant is required to notify prosecutors of an alibi defense. Increasing the limit from three days to seven days, Sen. Eklund said, helps both the prosecution and defense, allowing prosecutors to investigate and determine if charges should be dropped.

"We have found that that is an incredibly short time to do all of that and make a fair and just assessment of the intent to use that defense," Sen. Eklund said.

Other measures passed by the Senate would:

- Update the licensing of chemical dependency counseling and prevention services ([HB 230](#)).
- Raise the cap on small claims court to \$6,000 from \$3,000 ([HB 387](#)).
- Make administrative changes to the child support system ([SB 308](#)).
- Designate May as Fibromuscular Dysplasia Awareness Month ([HB 434](#)).
- Require state agencies to assess the incidence of diabetes in the state ([SB 287](#)).
- A bill designating September as Pain Awareness Month ([SB 291](#)).

### House Approves Online Voter Registration, Sex Abuse Education Bills

The House on Tuesday passed a measure to expand voter registration despite the objection of some Democrats who say it will not be implemented soon enough and could prevent voters from easily changing their registration information.

In a 90-2 vote, members approved the bill ([SB 63](#)) that would allow Secretary of State Jon Husted to create an online voter registration system.

However, to the dismay of at least two Democrats, voters will not be eligible to register online until Jan. 1, 2017 due to an amendment added in House Government Accountability and Oversight Committee. (See [Gongwer Ohio Report, May 10, 2016](#))

Rep. Kathleen Clyde (D-Kent) said there is no need to delay the change.

"I think that's a mistake. The system is already built. It works. Hundreds of thousands of Ohioans have already used it," she said, referring to the current system that allows voters to update their registration information online.

She also accused Republicans of taking away the ability to update registration information online through the bill.

"This is sloppy legislating and we shouldn't let this go forward in this way," she said.

Rep. Clyde also took issue with a portion of the bill that would require a would-be voter to have a license or state-issued ID card to utilize the online registration system. She said that provision could impact as many as 300,000 Ohioans.

Rep. Alicia Reece (D-Cincinnati) echoed those sentiments.

"We've been passing a lot of bills that have good aims but they are delayed in their implementation," she said.

Rep. Teresa Fedor (D-Toledo), who along with Rep. Wes Retherford (R-Hamilton) cast the lone no votes on the measure, accused Republicans of making it difficult for her constituents to vote.

"We always find out that these election bills are done wrong and they are done wrong to the people I represent," she said.

But Rep. Tim Brown (R-Bowling Green), who ushered the bill through committee, said it just provides citizens with another way to register to vote.

He went on to say the members of his committee felt it would be responsible to delay implementation until after the presidential election.

"If something did go wrong, many on that side of the aisle would be the first to point fingers and blame the secretary," he said referring to Democrats and Secretary Husted.

Following the vote, Secretary Husted said the bill "moves Ohio forward into the 21st Century for how we run elections and ensures it is easy to vote and hard to cheat in the Buckeye State."

"Ohio is a national leader in many areas of elections administration and with today's passage of online voter registration we can add one more," he continued. "Online registration makes voting easier, more secure and saves tax dollars, helping meet the goal of making Ohio a place where it's easy to vote and hard to cheat."

In an 85-6 vote, the House also approved a measure to encourage schools to educate students on sexual abuse in an age-appropriate manner.

Sponsoring Rep. Christina Hagan (R-Uniontown) said a significant number of children are sexually abused in home environments and the average age of the abused is nine-years-old.

"If we don't get this information to those children, I promise their parents are not providing it," she said.

Co-sponsor Rep. Dan Ramos (D-Lorain) said the bill "transcends ideology, transcends partisanship."

"A yes vote is a vote to protection Ohio's children," he said. "To protect that innocence. To protect that right to be a child."

The House also passed a measure that would require a motorist to give three-feet worth of berth on the left when passing a bicycle and allow the bicyclist to proceed into an intersection that has malfunctioning traffic lights. The bill (HB 154) was approved in a 78-15 vote.

Sponsoring Rep. Michael Henne (R-Clayton) said 20 states have already implemented similar measures. "This actually protects the motorist as much as it protects the bicyclist," he said.

Members also approved bills and resolutions:

- To urge the U.S. Department of Transportation to select the city of Columbus as the award winner of the ODOT Smart City Challenge (SCR 21);
- To allow certain liquor permit holders to provide free tasting samples of wine, beer and liquor to paying customers over the age of 21 (HB 444);
- To designate May 13 as "Bartter Syndrome Awareness Day" (SB 128);
- To authorize pharmacists to convert prescriptions authorizing refills under certain circumstances (HB 285);
- And to enact the Uniform Interstate Depositions and Discovery Act (SB 171).

The House also concurred with the Senate to send measures to the governor that:

- Allow the auditor to conduct feasibility studies on the efficiency of local public offices and to establish a shared equipment service agreement program among state agencies and political subdivisions (HB 5);

- Allow non-teaching employees at the University of Akron to take part in the Public Employees Retirement System and to retroactively extend eligibility for benefits from the Volunteer Peace Officers' Dependents Fund for volunteer peace officers who are totally and permanently disabled or killed in the line of duty ([HB 305](#));
- Make changes to the law governing community improvement corporations, the administration of property taxes, and the functions of county auditors ([HB 166](#));
- Create the D.O.L.L.A.R. Deed Program ([HB 303](#));
- Enable the parents or guardian of a protected consumer to freeze that consumer's credit to protect the consumer from identity theft ([HB 317](#)).
- Increase the penalty for failure to stop after a deadly traffic accident, require emergency medical service personnel to report the administration of naloxone to law enforcement and provide immunity from arrest for people who report drug overdoses ([HB 110](#)).
- Change references in state law from "mentally retarded person" to "person with an intellectual disability" ([HB 158](#)).
- Allow a person who is convicted of an offense that may not be sealed to apply to have the conviction sealed if the offense is changed ([HB 164](#)).
- Create the Ohio Family Trust Company Act ([HB 229](#)).

#### House Passes Criminal Justice Bills, Including End To Mandatory License Suspensions For Drug Crimes

Members of the House approved a slew of criminal justice bills on Tuesday, including a measure that would limit driver's license suspensions for drug-related offenses.

The measure ([SB 204](#)) - approved in a 90-2 vote - would give judges more discretion in suspending licenses in cases of drug offenses unless the offense was committed while driving or a vehicle was used in the commission of a drug crime, in which case the suspension would be mandatory.

Reps. Ron Hood (R-Ashville) and Tim Schaffer (R-Lancaster) cast the lone votes against the measure.

Rep. Dorothy Pelanda (R-Marysville), who carried companion legislation in the House, said the bill was made possible by a 2014 change in law that allowed Ohio to opt out of a federal requirement that a driver's license be suspended for non-driving drug convictions.

"Ohio is no longer restrained by the federal mandate," she said.

The House also unanimously approved a measure ([HB 436](#)) that will allow judges to terminate a mandatory immobilization order when granting driving privileges to second-time OVI offenders. Under current law, second-time OVI offenders are eligible to seek driving privileges 45 days after a license suspension yet their vehicles are required to be immobilized for 90 days.

In a 77-15 vote, the body approved a bill ([HB 378](#)) that would give township police officers the ability to make arrests on highways.

Sponsoring Rep. Steve Hambley (R-Medina) said the bill is in response to a 2015 Ohio Supreme Court decision in which the majority found township police officers were not permitted by state law to make arrests on an interstate highway.

Rep. Hambley said the bill is intended to make the state's roadways safer and create "consistency for law enforcement in townships across the state."

Rep. Hood said he fears the legislation will be misused by township police departments to create speed traps on highways. "This is a slippery slope I'm really concerned about," he said.

Members also unanimously approved a bill ([HB 362](#)) that would make strangulation in domestic violence situations a felony.

Sponsoring Rep. [Stephanie Kunze](#) (R-Hilliard) said evidence has shown that someone strangled in a domestic violence situation has a seven-time greater chance to later be killed by the perpetrator.

[Rep. Kristin Boggs](#) (D-Columbus) said many of the victims of strangulation show no outward signs of abuse.

"Perceived bodily harm does not necessarily reflect the danger and risk of death if she is not separated from her offender," she said.

In another unanimous vote, the House passed a bill ([HB 439](#)) that would expand penalties for voyeurism and sexual misconduct in cases involving impaired persons regardless of age.

"This legislation is a common-sense bill that greater protects thousands of innocent Ohioans," sponsoring Rep. [Marlene Anielski](#) (R-Independence) said following the vote. "With the inclusion of impaired persons in these protections, it allows our state to stand up for those who may not be able to defend themselves."

In an 88-2 vote - with Reps. Michael Curtin (D-Marble Cliff) and Gary Scherer (R-Circleville) casting the lone no votes - the House also approved a measure ([HB 284](#)) to add extortion, perjury and certain other federal offenses to the list of crimes for which a public employee's retirement benefits can be terminated.

[Rep. Mike Dovilla](#) (R-Berea) said the measure is designed to restore public trust in government.

"In reality, this is a challenge that is broader than my home county, broader than our state. It's really a national issue," he said, noting a recent poll that found members of the public believe there is widespread corruption in the government.

"That's an indication to me that we need to do some work to restore faith and trust in the body politic," he added.

Late Bill Revisions Allow State To Pay Off Federal Unemployment Compensation Debt, Cut Prison Inspection Panel, Allow For Local Library Bond Levies

A number of substantive law changes were unveiled Tuesday in the House as part of majority Republicans' plan to pass them through the legislature Wednesday, albeit in another bill.

The 11<sup>th</sup>-hour changes ahead of summer recess include authority for the Kasich Administration to completely pay off the state's unemployment compensation debt to the federal government. ([Substitute Bill](#); [House GOP Synopsis](#))

Estimated to total between \$225-\$240 million later this summer when the payoff would occur, the debt, which has been paid down considerably since it ballooned during the Great Recession, would be retired with a portion of Ohio's large pot of unclaimed funds. The move would constitute one of the largest, if not the largest, single diversion of those monies, which have often been used to bolster state budgets over the years.

Another significant change introduced as substitute language to an Office of Budget and Management-backed measure ([HB 547](#)), but destined for attachment to a House bill slated for Senate action Wednesday ([HB 390](#)), would allow libraries to seek voter approval for bond issues to build facilities.

Under current law, libraries may only issue bonds paid for by allotments from the state-backed Local Library Fund. Library property tax levies currently are used only for operational costs.

A third key provision in the bill would "reconstitute" the Correctional Institution Inspection Committee, Finance Chairman Rep. Ryan Smith (R-Bidwell) said.

Rep. Kevin Boyce (D-Columbus) raised concerns with the language, saying it should - along with other provisions in the sub bill - be vetted in separate legislation.

Chairman Smith said that GOP leadership believed it was time to revisit the committee's structure and "redefine its goals and narrow its focus."

Under the new oversight committee, which will be dubbed the Joint State Correctional Institution Inspection Committee, the Senate president and House speaker would still appoint members but its duties would apparently be confined to state-run institutions and not privatized prisons.

The related amendment strikes statutory language containing "a requirement that the private contractor cooperate with the correctional institution inspection committee in the committee's performance of its duties...and provide the committee, its subcommittees, and its staff members, in performing those duties, with access to the correctional facility as described in that section."

In another unusual move related to the bill, the House Finance Committee attached modified legislation to increase the state motion picture tax credit (HB 475) that it had processed just minutes before.

The provision in the HB547/HB390 substitute would double the tax credit cap to \$40 million a year, but it does not include a Democratic amendment the panel accepted to HB475 before reporting it out of committee Tuesday into an apparent dead end.

That language, offered by Rep. Alicia Reese (D-Cincinnati), would have applied Minority Business Enterprise requirements to the movie tax credit program.

Rep. Denise Driehaus (D-Cincinnati) asked Chairman Smith if the substitute language included the MBE requirements.

"Not in this bill," he said.

Rep. Reese said she would work with the Senate to try to get the provision into HB390.

Other provisions targeted for approval in HB390 on Wednesday Include:

- \$5 million in FY 2017 from the Alternative Fuel Transportation Fund to establish the Alternative Fuel Vehicle Conversion Program.
- An increase in funding for ConnectOhio by \$250,000 in FY 2016 and \$950,000 in FY 2017.
- A \$550,000 appropriation for foster care changes contained in HB 50 and SB 240 that Chairman Smith said would fund the first year of the initiative.
- \$500,000 in funding for the public records measure (SB 321).
- \$200,000 in additional funds for the Capitol Square Review & Advisory Board.
- \$100,000 to continue the Digital Works program in FY 2017.
- The alignment of tax-exempt hospitals and health department community health assessments with submission to a state repository.
- The removal of the Ohio Supreme Court's authority to set hourly rates for capital cases and the creation of the Capital Case Attorney Fee Council comprised of five appellate judges to carry out that duty.



Chairman Smith said the purpose in unveiling the amendments as part of legislation that's going nowhere was so lawmakers would have time to consider the language prior to the planned concurrence vote on the other House bill.

Unlike the Senate, the House also has a requirement that all spending bills go through the Finance Committee. The House bill slated to pick up the language is set for a vote Wednesday in the Senate Ways and Means Committee prior to the planned floor vote in both chambers.

### GED Changes Among Last-Minute Amendments To Education Bill

A handful of education-related amendments lawmakers had eyed for bills that weren't expected to move before summer recess found a home Tuesday in legislation requiring schools to train students in CPR.

The Senate Education Committee advanced the measure ([HB 113](#)) with Chairwoman [Sen. Peggy Lehner](#) (R-Kettering) saying the eight amendments were last-minute additions because they'd originally been pegged for a Senate bill that stalled in the House. (See [Gongwer Ohio Report, May 20, 2016](#))

However, she assured committee members that it wasn't the first time someone in the General Assembly had considered the revisions, which were last-ditch attempts at pushing education legislation to the governor before summer recess.

"What we have tried to do is only address those that have been adequately vetted in at least one chamber and hopefully two," Sen. Lehner said, adding that her office reached out to interested parties in reviewing the amendments.

None of the changes proved to be contentious and the chairwoman said one in particular is a major victory for education advocates who've been pushing for updates to the state's GED laws.

An amendment to the bill would remove the name GED from state law and replace it with "High School Equivalency Exam," allowing the state to contract with multiple test vendors.

"This is an amendment that a lot of people are really going to welcome," Sen. Lehner said, referring to criticisms of the exam, such as that it was only offered on computers, since it was taken over by test maker Pearson.

The Governor's Office of Workforce Transformation recently introduced the language as a possible amendment to a higher education mid-biennium review bill ([HB 474](#)) in an effort to increase competition in the testing market with the goal of decreasing prices and providing better options to test takers. (See [Gongwer Ohio Report, May 17, 2016](#))

Sen. Lehner told the panel that test companies - of which the state is required to contract with at least two of, under the amendment - will meet or exceed GED standards.

Another change that was discussed in the context of the higher education MBR would allow the Department of Education to cover the costs of College Credit Plus at chartered non-public schools through the Auxiliary Services Reimbursement Fund line item.

The additional source of funding - which is not new - would allow the schools to fund the tuition for additional students as the program gains popularity, said [Sen. Randy Gardner](#) (R-Bowling Green), who offered the amendment. ODE would have to seek Controlling Board approval to use the funds.

An amendment proposed by Sen. Lehner would also create new spending authority. It would allow schools to access their economically disadvantaged funds to pay to recruit graduates of the state's Alternative Principal License program, she said.

Currently, schools can only spend those funds in four areas and they don't include recruiting.

Sen. Lehner said the 32 principals and assistant principals who were the first graduates of the program are well qualified after taking part in the intensive leadership training.

The latest version of the bill also includes language introduced by the chairwoman that extends contract consequences to charter school teachers. Traditional school teachers face disciplinary action if they break their contracts after July 10.

Other amendments to the measure would: Narrow the purview of the Joint Education Oversight Committee; make changes to career technical school spending; push back the implementation of CPR training in schools to the 2017-18 school year; and allow a joint vocational school district boards of education with more than 30 members to submit an application to the superintendent of public instruction to stagger board members' terms of office.

#### New Medical Pot Measure Expands Definition Of Chronic Pain, Puts Cultivators Under DOC

A Senate committee made more changes Tuesday to a bill to legalize medical marijuana in Ohio, allowing the drug to be used to treat a wider definition of pain and placing the regulation of cultivators and processors under the Department of Commerce.

The Senate Government Oversight and Reform Committee is expected to vote on the bill ([HB 523](#)) Wednesday, with more amendments likely, Chairman [Sen. Bill Coley](#) (R-Liberty Twp.) said.

The substitute version accepted Tuesday rolls back a few changes made in a previous substitute bill in the committee. (See [Gongwer Ohio Report, May 18, 2016](#))

The previous version changed the definition of pain that can be treated using marijuana to "chronic, severe and intractable," while the latest version - "chronic and severe, or intractable" - allows treatment for a broader scope of pain, [Sen. Dave Burke](#) (R-Marysville) said in outlining the [changes](#).

This new version also tweaks the regulatory structure for marijuana. The State Medical Board will certify recommending physicians and add new conditions. The Pharmacy Board will license retail dispensaries and promulgate rules regarding them, as well as regulate drug packaging and paraphernalia. It will also register approved patients.

The regulation of cultivators, processors and testing labs will fall under the Department of Commerce, which will also manage the seed-to-sale tracking system.

A new member representing the drug and alcohol addiction community was added to the Medical Marijuana Advisory Board, which will recommend rules for all three regulating entities. No more than six of the now 13 members of the board could be from one political party, and the committee will sunset after five years, not three, in the new version.

The latest version also removes a requirement that a physician be in charge of a retail dispensary. It also allows the Department of Commerce to create a closed payment system to reduce the amount of cash needed for the industry and reinserts language creating a help line and a veterans and indigent population assistance program.

While Sen. Burke, a pharmacist, said removing the requirement that a pharmacist supervise every marijuana dispensary was one change he doesn't personally believe is best, but he came around after hearing many concerns.

"We're not wanting to be restrictive, we're not wanting to be burdensome, but we also don't want to expose people to harm," he said after the meeting.

Ernest Boyd, executive director of the Ohio Pharmacists Association, said removing the requirement could negatively affect the safety of patients, as pharmacists are trained to know about drug interactions and other problems that physicians might not consider.

"I believe that removing the pharmacist as the gatekeeper, final check, counselor, OARRS reviewer and overseer of the dispensing of this unproven drug would be a grave mistake," he said.

Sen. Burke said the latest version preserves an affirmative defense, introduced in the previous substitute bill, which would allow patients who can show they obtained medical marijuana and use it under the legal aspects of the bill to defend themselves against criminal charges. That defense would apply to eligible patients while Ohio's program is still going into effect, allowing them to use marijuana obtained out-of-state.

Sen. Burke said the bill is preferable to any proposed constitutional amendment headed to the ballot because it allows lawmakers to make adjustments as needed.

"We've been working on this for quite some time, and as you've seen, the legislation is adjusting to the will of the people," he said. "That will happen tomorrow, it will happen in five years, it will happen in 10 years. Once you pass a ballot initiative, we are stuck."

After Tuesday's meeting, Rep. Kirk Schuring (R-Canton), who has been helping to oversee the crafting of the measure, said he expected the House to be on board with the changes and concur in a vote slated for Wednesday. He said he did not expect any further major revisions to the bill that would cause problems in that regard.

Aaron Marshall, a spokesman for Ohioans for Medical Marijuana, which is pushing a constitutional amendment to legalize medical marijuana, said the legislature's proposal is still a narrow measure that patients will not support. He said the state's list of qualifying conditions is too narrow, and the prohibition of homegrown marijuana will lead to more a burden for patients.

"We think it's a basic right that people should have to be able to grow their own medicine," he said. "Medical marijuana isn't likely to be covered by insurance. The lowest cost option is to be able to grow a small amount at home in a locked enclosure."

In testimony, medical marijuana proponents praised parts of the bill, but continued to call for allowing homegrown marijuana and smoking.

"Even if this bill is far from perfect, it is better than the current system," said Jason Durham, who testified in favor of the bill. "Pass a bill that will help those in need get the medicine they need."

#### House Panel Advances Public Records Dispute Bill

Supporters of a measure to revamp the public records resolution process pointed out one potential concern before a House panel on Tuesday reported the bill.

During its second hearing before the House Government Accountability & Oversight Committee, representatives of the ACLU of Ohio and the Ohio Newspaper Association expressed reservations about language in the bill limiting the awarding of attorney's fees to no more than actual costs.

Still, the bill passed easily with bipartisan support, advancing to an anticipated House floor vote Wednesday.

Before voting, the committee adopted an omnibus amendment from Rep. Rob McColley (R-Napoleon) which:

- States a public office that provides records to a free, searchable website may limit to 10 per month the number of records the office will deliver in a digital format to a requestor unless the record are not found on that website or if the requestor certifies in writing he or she does not intend to use the information for commercial purposes.
- Prohibits discovery on the issue of a public office or records custodian's alleged bad faith if the public office provides the record after a mandamus action but before a court order.

- Requires, in the event of a request considered a demand for discovery pursuant to criminal rules, the defendant or counsel to serve a copy of the request to the prosecuting attorney or other chief legal officer.
- Permits mediated proceedings to occur via teleconference, telephone or other electronic means.
- Forbids discovery from being conducted on the issue of a record holder's appeal for the alleged intent of delaying compliance with the court's order "for no reasonable cause or (to) unduly harass the aggrieved person."
- Specifies that no nonprofit institution holding a certificate of authorization is liable for a breach of confidentiality or other claim arising from disclosure of public records except for claims based on the entity's failure to disclose records as required by law.

The bill has won widespread support - including from ONA Executive Director Dennis Hetzel, who participated in talks with sponsor Senate President Keith Faber as the bill was being drafted.

Mr. Hetzel said his concern about the attorney fee provision arose when studying the bill in further detail after its introduction.

The bill, which creates a new avenue via mediation to resolve public record disputes through the Court of Claims, makes all fees awarded in a mandamus action remedial, preventing a court from awarding beyond actual costs. The two groups said without that flexibility there will be no strong penalty to prohibit a record holder from egregiously violating public records law.

"The remedy seems relatively simple: Restore some of the stricken language...so that the court continues to have discretion to award fees if a judgment has been rendered," Mr. Hetzel said, adding that he still happily supports the bill. "Fees still would be subject to reduction or even denial."

ACLU of Ohio chief lobbyist Gary Daniels said the ACLU supports some aspects of the measure while opposing others.

In addition to the attorney fees issue, he said the group questions language allowing courts to reduce the amount of awarded fees if the court finds "an alternative means should have been pursued to more effectively and efficiently resolve the dispute," and language permitting courts to award the governmental entity all court costs and fees should a mandamus action be ruled frivolous.

"(The bill) does a disservice to Ohioans seeking public records through mandamus actions should it limit their desire, ability, or potential relief if they choose to stick with the current available route," Mr. Daniels said.

Ohio Environmental Council Deputy Director Jack Shaner said the bill "puts citizens on an equal footing with agencies, accelerating the prompt production of public records while still maintaining a civil recourse option."

But Mr. Shaner said he is "sympathetic" to the aforementioned concerns of attorney fees, and urged lawmakers to take that testimony into account.

### Senate Panel Plans Wednesday Vote On Bill Regulating Pet Store Dog Buys

A Senate panel is expected to vote Wednesday on a bill regulating where pet stores can obtain dogs after hearing from more than two dozen witnesses Tuesday evening.

The Senate Finance Committee accepted a substitute version of the bill (SB 331) at its first hearing Tuesday, after the bill was split off from a separate measure (HB 166). (See Gongwer Ohio Report, May 16, 2016)

Sponsor Sen. Bob Peterson (R-Sabina) said the substitute version came about from compromise with different groups and allows pet stores to purchase dogs only bought from rescues, shelters, humane societies and qualified

breeders licensed by the Ohio Department of Agriculture or U.S. Department of Agriculture, and who have had no compliance issues for the past three years.

"I readily admit that in all areas we could not completely agree, but this sub bill represents hard work from many people who are very knowledgeable in this field," Sen. Peterson said.

The compromises include requiring disclosures of information regarding veterinary examinations, disease test results, breed, breeder, breeder's licensed number and more before the sale of the puppy, Sen. Peterson said. He said it also changed the definition of a high-volume breeder back to the definition in current law, and those breeders must be inspected, certified and licensed.

The bill would override local laws aimed at banning pet stores from buying from so-called "puppy mills," such as a recent ordinance enacted in Grove City.

Animal advocates who oppose the measure say it won't go far in fighting puppy mills that produce weak, sick and abused animals, and will protect pet stores that buy from those puppy mills.

Amy Jesse, representing the Humane Society of the United States, said relying on USDA certification and inspections would not be effective because of the department's low standards.

"Should this bill become law, it will be the weakest pet store sourcing law in the country by far," she said. "This bill would also do nothing to protect consumers. Pet stores would continue to sell sick puppies. Puppy mill puppies are often sick because they are taken from their mothers before their immune systems can develop and are transported long distances, during which they are very susceptible to disease."

"Pet stores would continue to sell behaviorally challenged puppies who cannot possibly transition well into family life because up until that point knew nothing but life in a small cage," she added. "Pet stores would also continue to deceive consumers, claiming puppies come from humane, highly regulated breeders, when that is far from the truth."

Pet store owners, including those from Petland, the company targeted by the Grove City ordinance, said the bill would protect their businesses from aggressive local ordinances.

Petland President and CEO Joe Watson urged lawmakers to support the bill. He described his company as one focused on the human-animal bond where animal welfare "is our number one priority."

He said banning the sale of regulated and inspected kennels through ordinances like those of Grove City or Toledo "defies common sense."

"This is truly a state issue," he said. "When passed, SB 331 will place Ohio among the nation's leaders in pet store buying standards. It will also provide every Ohio family with the same protection when purchasing a puppy at any pet store, regardless of its Ohio location."

"It will create predictability for breeders and pet stores but most importantly, the passage of this bill will create the highest pet store buying standards in the country. The passage of this bill promotes animal welfare."

Petland Director of Public Affairs Elizabeth Kunzelman said the company has 17 stores and 500 employees in Ohio. To expect the company to operate under up to 17 different local ordinances is impossible, she argued.

"Ohio needs to set an example," she said. "Without such legislation, not only would this be a loss of businesses and a loss of employees, it's a loss of a great many community service efforts within the state."

Polling Hour Extension Clears House Panel, Heads For Wednesday Floor Vote

A House panel on Tuesday reported a measure to restrict court-ordered polling hour extensions over opponent objections - teeing the measure up for an expected floor vote Wednesday.

The House Government Accountability & Oversight Committee ultimately advanced the bill (SB 296) after receiving opponent testimony from a handful of voter rights advocates.

Rep. Kathleen Clyde (D-Kent), Rep. Michael Curtin (D-Marble Cliff) and Rep. David Leland (D-Columbus) voted against the bill, which would require those attempting to receive a court-order polling hour extension to pay a cash bond based on the cost of keeping that polling location open.

Prior to moving the bill, the committee accepted an omnibus amendment from Rep. Rob McColley (R-Napoleon), which he said includes one operational change: It clarifies the cash bond must be paid prior to the court's order but not necessarily at the time of filing the petition.

But the committee tabled several proposed amendments from Rep. Clyde, including proposals to remove the bond requirement and lower the evidentiary standard for such orders. An amendment from Rep. Leland, which would have given judges guidance by better defining "fair elections," was likewise tabled.

During the bill's third hearing, voter rights advocates - who a day earlier had blasted the bill in press releases - continued their criticism of the bill authored by Sen. Bill Seitz (R-Cincinnati). (See Gongwer Ohio Report, May 23, 2016)

ACLU of Ohio chief lobbyist Gary Daniels called it a "misguided bill advertised as an improvement" that will "perpetuate the problems it seeks to solve."

The law would have no effect on federal court challenges, he said, and therefore would inundate federal courts with voter rights challenges.

As with other opponents, he said the bill establishes a steep hurdle for voters to "prove by clear and convincing evidence that no prospect of a fair election exists in the absence of the order," and said the bill allows governments an expedited appeal process, via an appellate court panel, that is closed to voters.

"It has yet to be explained why the government parties get to appeal before this panel, but the voters do not," he said.

League of Women Voters of Ohio Executive Director Carrie Davis said she has "serious concerns" with the bill. She said lawmakers should remove the bond requirement, expand the appeal process to include voters, and set a more realistic standard.

"By raising the standards so high, it makes it impossible for the petitioner to be in indigent circumstances," she said. It would also limit the government in the event a governmental entity pursued an extension in the event of an emergency, power outage or ballot shortage.

Ellis Jacobs, of the Miami Valley Voter Protection Coalition, said the bill would do nothing to address recent polling hour extensions, which supporters of the bill have said were driven by partisan efforts.

"But it does create a bunch of new problems," he said, "and it does so by elevating the rights of the government above that of its citizens."

He too criticized the appeal process as "ill conceived" and called the bond requirement a de facto poll tax that will encourage unnecessary federal lawsuits. Responding to Rep. Clyde, he agreed that rural residents would be disadvantaged if forced to pursue extensions through federal courts.

Rep. Clyde questioned how immediately the law would be challenged in court if passed. Mr. Jacobs said was hesitant to offer an opinion, but added, "It is sort of bait for litigation."

Hamilton County Board of Elections Director Sherry Poland, in written testimony, voiced support for the bill, describing court orders for extensions her board received in several recent elections.

During the November 2015 general election, for example, she said the board had 40 minutes to notify 2,500 poll workers and 250 board trouble shooters and ballot guards of the extension.

She said some polls closed without learning of the extension, some voters voted after 7:30 p.m. who appeared to have not attempted to vote during normal hours, and poll workers had to scramble to adjust to the extension.

"The extended voting hours in both the November 2015 and March 2016 elections caused disorder and confusion among voters and poll workers at a cost of over \$57,000 to the taxpayers of Hamilton County," she wrote.

"At a time when we should be working to make sure we have sufficient poll worker staffing in voting locations to ensure a smooth and fair election, we are instead creating obstacles to retaining our most experienced poll workers and impeding our ability to recruit new highly skilled poll workers. We need to restore order."

Written opponent testimony was submitted by Carolyn Perkins of the Dayton NAACP and Ohio State University Professor Daniel Tokaji.

### ODHE Defends College Credit Plus Funding Structure

The Department of Higher Education on Tuesday defended the College Credit Plus Program and proposed changes that have been criticized by K-12 stakeholders.

Charles See, ODHE's assistant deputy chancellor of external relations, told the House Finance Higher Education Subcommittee that the CCP provisions in a mid-biennium review bill ([HB 474](#)) will likely address concerns that courses aren't rigorous enough and colleges are accepting students who may not be prepared for college coursework.

He also explained the basis for the program's funding structure - a point of contention among districts and higher education institutions. ([Testimony](#))

ODE's presentation came after Chairman [Rep. Mike Duffey](#) (R-Worthington) invited the agency to reappear before the subpanel to provide details on CCP and respond to less-than-flattering testimony from superintendents, school board members and school management organizations. (See [Gongwer Ohio Report, May 23, 2016](#))

Their main issue was the cost of the popular program, which is covered by school districts. Suggested solutions were to charge students the cost of tuition and remove an MBR provision that would prohibit institutions and districts from negotiating below the per-credit-hour cost "floor."

Mr. See said higher education institutions participating in CCP are putting their funds and resources toward the program as well, though.

"Even though the funding is being paid from ODE to higher education institutions, there is still shared responsibility," he said.

When interested parties initially came together to agree on the funding structure, Mr. See said institution leaders felt it was important to set a per-credit-hour payment floor of 83% of school foundation funding because schools are still performing services for those students, such as tracking, grading and counseling.

The greatly reduced tuition costs impact universities that are employing professors to teach those classes that CCP enrollees take and the advisors that guide students through their course selections, he said.

Mr. See said the CCP funding structure is built on the premise that existing funds should be used and the existing compromise is the best way to do that.

"The thought was how can we use those high school dollars most efficiently and when you can get (students) both high school and college credit, we thought that was the best deal for the state," he said.

Under the current law, the intent is not to have students pay for their own courses, Mr. See said. It does, however, allow for high schools to seek tuition reimbursements from students who fail or drop out of CCP courses.

Although concerns have been raised that students who may not be ready for college-level work will fail their courses at a detriment to their high school grade point average, Mr. See said the statute requires institutions to select CCP enrollees using the same criteria they would for their usual admissions processes.

Rep. Duffey asked if it's likely that students who do well in the program and earn a number of credits will go on to graduate earlier from college than those who don't participate in CCP.

Stephanie Davidson, ODHE's vice chancellor of academic affairs, said it's possible students could still spend four years pursuing a degree because they may choose to study abroad or change their majors. Without earning high school credits, those same students could have extended their time in college, she said.

While the General Assembly will be determining the program's value, in part, by how it impacts time to obtain a degree, Rep. Duffey said he isn't supportive of students earning credits in high school so that they can participate in "enrichment" activities later on.

"I think that some in the legislature would be critical of the idea that we would have K-12 districts and institutions of higher education funding what many would describes as enrichment - study abroad, electives, things that are non-core to graduation," he said.

Community colleges and the education management organizations have suggested creating a task force that would review potential changes to CCP and examine areas that need improvement.

Mr. See acknowledged that "there are some operational issues that need addressed," but said that can be done through an advisory committee that's already written into state law.

The chancellor and superintendent of public instruction, he added, have always sought input from all interested parties and are currently working to bring stakeholders together to address concerns about textbook costs.

#### Panel To Consider Lengthening Proposed Lead Notification Timeline

The chairman of the Senate Energy & Natural Resources Committee expects a vote Wednesday on a potential amendment that would loosen the administration's proposed two-day notification deadline for lead contamination.

The administration's proposal ([HB 512](#)) calls for the current 30 day deadline by which a local water system must notify the public of lead contamination to be shortened to two days. But concerns continued Tuesday during the bill's second hearing over whether that timeline is too strict.

Although agreeing with the intent of the bill, water superintendents have testified before the House and now the Senate that the two day proposal is close to impossible to meet. (See [Gongwer Ohio Report, May 11, 2016](#)) On Tuesday, a pair of witnesses urged the Senate panel to adopt a forthcoming amendment that would bump that timeline up to five days.

The measure is lined up for a third hearing Wednesday morning, at which, Chairman [Sen. Troy Balderson](#) (R-Zanesville) said, the amendment is expected to be considered. The committee will then likely vote on the bill, which is expected to proceed to the floor Wednesday afternoon, he said.

Ohio Rural Water Association Executive Director Kevin Strang in interested party testimony told the committee the timeline would be difficult or impossible for water systems to meet.



"While providing notice to just a few residents whose taps were sampled might be feasible within two business days, it will be extremely difficult for a system to provide notice to every single consumer within the same timeframe," Mr. Strang testified. "We feel that this will be especially difficult for small, rural districts."

Mr. Strang said a five day deadline would be more feasible. He said the association considers public notification a priority but that the bill as drafted is setting systems up for failure by mandating unattainable requirements.

"These violations will unfairly penalize systems that are doing their best to notify consumers and find solutions to the contaminated water," he said. "Furthermore, these violations will only result in the public losing faith in Ohio's drinking water systems. While we certainly support notifying customers as soon as possible, two days simply will not be feasible for many systems."

Canton Water Superintendent Tyler Converse, chairman of the Ohio Water Utility Council, called the two day requirement an "arbitrary limit" that is impossible for small and rural systems to meet on a consistent basis.

"The current two business day requirement is overly restrictive and is not likely to provide any additional public health benefit," he said. "We're talking about a difference of three business days. That's it."

Throughout hearings, proponents have told lawmakers social media and media releases could be used to meet notification requirements. Responding to Sen. Cliff Hite (R-Findlay), Mr. Strang said those are useful tools but they may not reach all customers.

"You'd have to go door to door and knock and make sure everybody there is notified," Mr. Strang said. "So you could see how problematic that would be."

Sen. Bill Seitz (R-Cincinnati) said administrative code seemingly already allows social media and press releases to be used to meet notification laws. "Do you agree with me that's comforting but not conclusive?"

"Yes, I do agree with that," Mr. Strang replied. "Some clarification there would be some help. We all want to use that type of electronic media if we could."

Sen. Seitz floated the idea of keeping the timeline at two days for systems containing less than 100 people and moving it up to five days for larger systems. Mr. Strang said he would be agreeable to that approach.

Also testifying was Deb Martin, rural community assistance program coordinator for WSOS Community Action. She said the group strongly supports changes the bill would make to the Water Pollution Control Loan Fund.

As written, the bill seeks to align the state fund with the federal Water Resources Reform and Development Act to allow qualifying communities to receive up to 30-year loans for wastewater infrastructure improvements.

"It would be difficult to overstate what a world of difference a 30 year term, rather than the current 20 years, would make to a small community like those that we work with daily," Ms. Martin said.

She said the bill would also expand loan funding eligibility and permit communities to work with the Ohio EPA to extend and tailor their WPCLF repayments.

"House Bill 512 is proactive legislation that will allow for longer-term financing along with flexible repayment structures that is sorely needed in many communities to make projects affordable," she said.

Lima Mayor David Berger, in written testimony, also shared his "enthusiastic support" for the bill's modifications to the WPCLF.

Federal Judge Strikes Down Elimination Of 'Golden Week'; Ohio Supreme Court Dismisses Ethics First Case

Ohio's elimination of the "Golden Week" and a reduction of early in-person voting opportunities violate the Voting Rights Act, a federal judge ruled Tuesday.

U.S. District Court Judge Michael Watson found that election regulations contained in (SB238, 130<sup>th</sup> General Assembly) disproportionately impact black voters.

"Voting in person costs the voter the money and time to get to and from the polling place, and it therefore is more difficult for African Americans than white to have the resources and ability to take leave from work in order to make two separate trips to register and vote if Golden Week is eliminated or to find a day on which they can vote if the period of early in-person (voting) is shortened," Judge Watson wrote in his ruling.

Democrats hailed the ruling.

"Today's decision is a huge win for Ohio voters, who will now have the original window for early voting restored, along with ability to register to vote and cast their ballot on the same day," Ohio Democratic Party Chairman David Pepper said in a statement. "In 2012, more than 80,000 Ohioans cast a ballot during 'Golden Week,' and of those, more than 14,000 were new or updated registrations."

"It's a shame that once again our legislature, governor, attorney general and secretary of state cannot figure out how to abide by the constitutional rights of their own voters," he continued. "The judge found no merit in any of their justifications for the burden they placed on African American voters. How many losses in court, and how many wasted tax dollars, are going to convince them to respect Ohioans' right to vote?"

Rep. Alicia Reece (D-Cincinnati), president of the Ohio Legislative Black Caucus, called the elimination of same-day registration a "restriction on our most basic democratic right that disproportionately affected minority voters in Ohio."

"Today's court decision and that fact that we continue to face voting restrictions in the state legislature only six months before a major presidential election underlines how badly we need a Voter Bill of Rights to enshrine our most fundamental freedom in the state constitution," she said.

Rep. Kent Smith (D-Euclid), citing an online voter registration bill passed Tuesday (See separate story), said the General Assembly "should be very attentive to the details of bills claiming to modernize or reform voting in Ohio, especially when such bills have the same author."

"Since voters chose this General Assembly, this General Assembly should respect those same Ohio voters and reflect upon the notion that our nation's most fundamental freedom allows men and women, rich and poor, black and white to have an equal say in the direction of their country. In that spirit, we should work to increase participation in our democratic process," he said.

Added Rep. Kathleen Clyde (D-Kent): "On the same day the legislature voted to shut down online voter registration updates and postpone new online registrations until 2017, a federal court reinstated Ohio's same day registration week. I am happy the court agreed with Democratic officials that SB 238's removal of the same day registration violates the Voting Rights Act and the U.S. Constitution. I hope we can put a stop to further voting restrictions between now and November."

Secretary of State Jon Husted noted that the court sided with him and Republicans on several issues, including a limitation of one early in-person voting site per county.

"While I am pleased the court has upheld existing law on nearly every issue, it is disappointing that a federal judge would again change the election rules after the current laws were upheld in the same federal district court by a settlement agreement we reached with the NAACP and the ACLU," he said.

"This point is further amplified when you consider that, for nearly 200 years, Ohioans voted for only one day," he continued. "If it was constitutional for lawmakers to expand the voting period to 35 days, it must also be constitutional for the same legislative body to amend the timeframe to 28 days, a timeframe that remains one of the most generous in the nation."

Secretary Husted did not rule out an appeal.

"As this law was created by the elected members of the state legislature, I will consult with the Senate President and House Speaker before deciding how to proceed," he said.

**Ethics First:** The Ohio Supreme Court on Tuesday dismissed a case filed by Ethics First - You Decide Ohio PAC alleging that the Ballot Board's decision to break a proposed constitutional amendment into three separate issues infringes on their free speech rights.

In the unanimous decision authored by Chief Justice Maureen O'Connor, the court found that the group failed to state a claim that warrants relief.

"When the Ballot Board subdivides a petition, R.C. 3505.062(A) merely requires the submission of new summaries to the attorney general," Chief Justice O'Connor wrote. "That modest imposition does not unduly restrict the right of initiative, given the benefit the voters enjoy of being able to vote separately on the proposals."

Secretary Husted said in a statement the ruling will "uphold the state's fair and accessible ballot initiative process from this frivolous lawsuit."

"Amending our state's constitution is serious business that requires active participation in the process from start to finish. That includes appearing at Ohio Ballot Board meetings to explain a proposal and give the public and board members the opportunity to ask questions - something the group behind this lawsuit did not do," he said.

"Today's decision will hopefully serve as a reminder to groups that want to amend the constitution; Ohio has an open and public process," he added.

The proposed constitutional amendment contains several provisions, including a two-year ban on lobbying by former lawmakers; a cap on legislative salaries tied to the median household income in the state; a legislative record retention schedule; a requirement that members of the General Assembly and its workers are subject to all the laws of the state and its subdivisions; and a provision that provides citizens standing to sue over non-compliance with those provisions.

With plans to place the initiative on the November ballot, Ethics First has asked the court to expedite the matter.

However, upon dismissing the case, the court ruled that the motion is moot.

#### Gongwer Statehouse Job Market Updated

Gongwer's Statehouse Job Market has been updated. The update is available on the [Gongwer website](#).

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

#### Governor's Appointments

**Advisory Board of the Governor's Office of Faith-Based and Community Initiatives:** Rabbi Avraham L. Goldstein of Columbus for a term beginning May 24, 2016 and ending May 4, 2017.

**TourismOhio Advisory Board:** Lee Ann Alexakos of Sandusky for a term beginning May 24, 2016 and ending September 27, 2018.

#### Supplemental Agency Calendar

**Thursday, May 26**

**Criminal Justice Recodification Committee, Senate Finance Hearing Rm., Statehouse, Columbus, 1 p.m.**

Supplemental Event Planner


**Wednesday, June 8**

Ohio House Republican Organizational Committee fundraiser, Athletic Club of Columbus - Gold Room, 136 E. Broad Street, Columbus, 11:30 a.m., (Chair: \$5,000; Sponsor: \$2,500; Host: \$1,000; Guest: \$500 to OHROC)

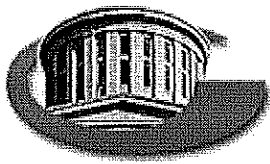
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Click the  after a bill number to create a saved search and email alert for that bill.

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## House Activity for Tuesday, May 24, 2016

### INTRODUCED AND REFERRED

**HR CANCER DRUGS** (Antonio, N., LaTourette, S.) To urge the Congress of the United States, the United States Food and Drug administration, and the National Institutes of Health to address the cost and availability of cancer drugs.

Health & Aging

**HCRSMART CITY** (Kunze, S., Craig, H.) To urge the United States Department of Transportation (USDOT) to select the City of Columbus as the award winner for the USDOT Smart City Challenge.

Government Accountability & Oversight

### PASSED

**SB ONLINE VOTER REGISTRATION** (LaRose, F.) To create an online voter registration system.

**63** 90-2 (Fedor & Retherford)

Gongwer Coverage

**SB DAY DESIGNATION** (Cafaro, C., Schiavoni, J.) To designate the thirtieth day of May as "Bartter Syndrome Awareness Day."

89-0

Gongwer Coverage

**SB COURT PROCEEDINGS** (Seitz, B.) To enact the Uniform Interstate Depositions and Discovery Act.

**171** 88-0

Gongwer Coverage

**SB DRIVERS LICENSE SUSPENSIONS** (Seitz, B.) To make the suspension of an offender's driver's license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges.

86-2 (Hood & Schaffer)

Gongwer Coverage

**HB ABUSE PREVENTION** (Ramos, D., Hagan, C.) With respect to age-appropriate student instruction in **85** child sexual abuse and sexual violence prevention and in-service staff training in child sexual abuse prevention.

85-6

**HB BICYCLE OPERATIONS** (Henne, M., Sheehy, M.) To provide that when a motor vehicle passes a **154** bicycle the safe passing distance to the left is three feet, and to alter the protocol for proceeding into an intersection that has malfunctioning traffic lights.

78-15

Gongwer Coverage

**HB RETIREMENT BENEFITS** (Dovilla, M., Anielski, M.) To add extortion and perjury and certain federal **284** offenses to the offenses that may result in forfeiture or termination of public retirement system benefits.

88-2 (Curtin &amp; Scherer)

Gongwer Coverage

**HB PRESCRIPTION REFILLS** (Sprague, R.) To authorize pharmacists to dispense multiple refills of a **285** prescription simultaneously under certain circumstances.

86-0

Gongwer Coverage

**HB STRANGULATION** (Stinziano, M., Kunze, S.) To prohibit a person from knowingly impeding the normal **362** breathing or circulation of another by strangulation.

90-0

Gongwer Coverage

**HB TRAFFIC ARRESTS** (Hambley, S., Rezabek, J.) To authorize law enforcement officers of township **378** police districts and joint police districts, and township constables, serving specified small populations to make arrests for motor vehicle-related violations committed on an interstate highway in the same manner as township law enforcement officers serving larger populations.

77-15

Gongwer Coverage

**HB DUI SENTENCES** (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a **436** second-time OVI offender to order the termination of the mandatory immobilization order.

91-0

Gongwer Coverage

**HB VOYEURISM** (Anielski, M.) To include an impaired person as a victim of voyeurism and to include **439** conduct involving an impaired person within the offenses of pandering obscenity involving a minor,

pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance.

89-0

Gongwer Coverage

**HB ALCOHOL SAMPLES (Blessing, L.)** To allow certain D liquor permit holders to provide free tasting samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder.

85-2 (Dean & Hayes)

Gongwer Coverage

**SCRS SMART CITY (Bacon, K., Tavares, C.)** To urge the United States Department of Transportation (USDOT) to select the city of Columbus as the award winner for the USDOT Smart City Challenge.

88-0

Gongwer Coverage

**CALENDAR FOR COMING SESSION**

**SB FIREARM PENALTIES (Hughes, J., LaRose, F.)** To increase by 50% the mandatory prison term for an offender who is convicted of a firearm specification and previously has been convicted of a firearm specification; to prohibit violent career criminals from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance; to require a mandatory prison term for a violent career criminal convicted of committing a violent felony offense while armed with a firearm; to correct a provision regarding delinquent child dispositions for specifications; to provide certain prisoners credit for time spend in jail in determining eligibility to apply for judicial release; and to specify that no presentence investigation report is required for shock probation to be granted to an offender convicted of an offense before July 1, 1996.

**SB TRAFFIC VIOLATIONS (Hughes, J.)** To allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances.

**HB NURSES (Pelanda, D.)** To revise the law governing advanced practice registered nurses.

216

**HB MEDICAID DRUG COVERAGE (Sprague, R., Antonio, N.)** To prohibit certain health care plans and the Medicaid program from denying coverage for opioid analgesic drugs with abuse-deterrent technology based solely on cost.

**HB CIVIL FORFEITURES (McColley, R., Brinkman, T.)** To eliminate civil asset forfeiture proceedings and to modify the law governing criminal asset forfeitures.

**HB PROTECTION ORDERS (Boose, T.)** To provide that an individual's statutory priority to decide whether or not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding.

**HB PALLIATIVE CARE FACILITIES (Schuring, K.)** Regarding palliative care facilities.

**470****HOUSE CONCURS IN SENATE AMENDMENTS**

**HB BUSINESS CASE STUDIES** (Kunze, S., Koehler, K.) To allow the Auditor of State to conduct feasibility studies regarding the efficiency of local public offices and state agencies, to authorize the Auditor of State to establish a shared equipment service agreement program among state agencies and political subdivisions, and to specify that a state agency or political subdivision that uses the loaned equipment may assume potential liability for its use.

81-0

Gongwer Coverage

**HB FAILURE TO STOP** (Hill, B.) To increase the penalty for failure to stop after a traffic accident that results in the death of a person or serious physical harm to a person; to name those penalty changes Brandon's Law; to require emergency medical service personnel to report the administration of naloxone on request of a law enforcement agency in specified circumstances; to provide immunity from arrest, prosecution, or conviction, or to permit a court to consider drug treatment or as a mitigating factor in supervised release sanctioning, for a minor drug possession offense for a person who seeks or obtains medical assistance for self or another person who is experiencing a drug overdose or for a person who is experiencing such an overdose and for whom medical assistance is sought; to require training of certain 9-1-1 operators regarding the immunity; and to require those 9-1-1 operators who receive a call about an apparent drug overdose to make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity.

93-0

Gongwer Coverage

**HB DISABILITY TERMS** (Dever, J., Howse, S.) To change the variations of the term "mentally retarded" to "person with an intellectual disability."

93-0

Gongwer Coverage

**HB RECORD SEALING** (Pelanda, D., Rogers, J.) To allow a person who is convicted of an offense that may not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed and to specify that investigation reports the Inspector General maintains are not official records sealable under the Not Guilty/Dismissed Charges/No Bill Record Sealing Law.

92-1 (Schaffer)

Gongwer Coverage

**HB TAX LAWS** (Green, D.) To extend the deadline for filing an application for the homestead exemption or 2% property tax rollback to the end of the tax year, to require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, to require that notices of appeal from a decision of the Board of Tax Appeals originating with a county board of revision be filed with that board and the county auditor, to clarify the effect of certain certifications related to the repealed personal property tax, and to repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts.

86-0



Gongwer Coverage

**HBTRUST LAW** (Hambley, S., Bishoff, H.) To create the Ohio Family Trust Company Act.

**229**

86-7

Gongwer Coverage

**HBDEED PROGRAM** (Dever, J., McColley, R.) To create the D.O.L.L.A.R. Deed Program.

**303**

86-0

Gongwer Coverage

**HBRETIREMENT SYSTEMS** (Schuring, K.) To include certain nonteaching employees of The University of Akron as members in the Public Employees Retirement System and to retroactively extend eligibility for benefits from the Volunteer Peace Officers' Dependents Fund regarding volunteer peace officers who are totally and permanently disabled or killed in the line of duty.

86-0

Gongwer Coverage

**HBIDENTITY THEFT** (Maag, R.) To enable the parents or guardian of a protected consumer to freeze that consumer's credit to protect the consumer from identity theft.

87-0

Gongwer Coverage

## HOUSE SPEAKER'S APPOINTMENTS

State Government Committee: Remove Rep. Slesnick, appoint Rep. Boccieri as ranking minority member

## COMMITTEE HEARINGS

## Transportation &amp; Infrastructure

**SB LICENSE PLATE** (Hughes, J.) To create the "Baseball for All" license plate and to require the contributions received from the issuance of such license plates to be used to build, maintain, and improve youth baseball fields within the municipal corporation of Grove City. (**REPORTED-AMENDED SUBSTITUTE (No testimony)**; 2nd Hearing-Possible vote & substitute)

Chairman Boose said the substitute was a tightly crafted compromise between leadership of the House and Senate that includes additional specialized license plate authorizations and airport and highway namings, including the rebranding of the Port Columbus International Airport as the John Glenn Columbus International Airport. The substitute also includes language from SB 49 by Sen. Skindell to designate a portion of SR 2 in Cuyahoga County the Governor Richard F. Celeste Shoreway.

An amendment to the substitute includes language to require county identification stickers on license plates to identify the county by name rather than by number. Non-standard license plate stickers could identify the county by either county name or number. Implementation of the provision was delayed from January 2017 to January 2018.

Besides maintaining the special license plate for the "Field of Dreams" baseball project in Grove City as proposed by the original bill, the substitute now also includes plates that serve as fundraisers or honors for the following: Distinguished Flying Cross, Pancreatic Cancer Awareness, Ohio Association of Child Caring Agencies, Ohio Nurses Association, Global War on Terrorism Civilian Service Medal, Cuyahoga Valley

National Park, National Aviation Hall of Fame, Monarch Butterfly, Fallen Linemen, Ohio Battleflag, Cleveland St. Ignatius High School, Brecksville-Broadview Heights City Schools, Chagrin Falls Exempted Village Schools and I Stand for Israel.

The license plate portion of the bill also allows for possible inscriptions on the Active Duty/Retired/Veteran plate to include U.S. Army Aviation Active Duty, U.S. Army Aviation Retired and U.S. Army Aviation Veteran.

Casting the lone dissenting vote again reporting the measure was Rep. Becker.

#### Insurance

**HBVEHICLE INSURANCE (Henne, M.)** To generally prohibit individuals who do not maintain statutory **279** minimum levels of automobile insurance from collecting noneconomic damages for harm sustained in a motor vehicle accident. **(REPORTED-SUBSTITUTE (Set for Wednesday, May 25 House floor vote) ; 5th Hearing-All testimony-Possible substitute & vote)**

The substitute version of the bill clarifies that a driver without insurance cannot claim economic damages from an accident if he or she was cited for an incident of driving without insurance in the past seven years.

In addition, the substitute version of the bill specifies that there is an exemption if the person that caused the accident is charged with a four or six point moving violation or texting while driving.

Individuals under the age of 18 are also exempt under the substitute version.

Jeff Smith, director of government affairs and general counsel for the Ohio Insurance Agents Association, praised the substitute version of the bill.

He said the measure "protects responsible drivers by barring those who repeatedly and flagrantly break the law by driving without complying with the state's financial responsibility requirements from recovering non-economic (pain and suffering, emotional distress, loss of consortium) damages from a responsible driver when involved in an accident."

He said there are an estimated 1.1 million people driving on Ohio's roadways without insurance.

"Under the current law, repeat offenders of Ohio's financial responsibility law get the full benefit of an insured driver's coverage when they are involved in an accident and lawsuit, despite failing to comply with the law and participate in the system," Mr. Smith said.

Rep. Brinkman questioned if the bill will actually change behaviors.

"What I believe we are doing is not rewarding people that habitually thumb their nose at the law," sponsoring Rep. Henne said.

Rep. Kuhns expressed concern that many non-insured drivers are low income or without employment.

**SB PRIOR AUTHORIZATIONS (Gardner, R., Cafaro, C.)** To amend the law related to the prior authorization **129** requirements of insurers. **(REPORTED-SUBSTITUTE; 4th Hearing-All testimony-Possible substitute & vote)**

The substitute version of the bill that was unanimously approved before being reported out of the committee makes several changes, including a requirement that health insurance companies respond to prior authorization requests within 48 hours for urgent care services and 10 days for other services. (Comp Doc)

Dr. Sarah Sams in written testimony on behalf of the Ohio Academy of Family Physicians told the committee that the "prior authorization process is an enormous burden for those on the front lines of delivering patient care."

"Prior authorization forms have evolved away from just cost considerations into a review of treatment practices in general," she said. "As a result, prior authorization forms sometimes request attachment of pertinent medical history and include questions regarding diagnoses, risk and benefit, alternatives, effectiveness, stability of symptoms, side effects, and other considerations."

Jeff Stephens of the American Cancer Society Cancer Action Network told the committee in written testimony that the bill will make sure patients have access to life-saving medicines.

"Electronic prescribing and electronic transmission of standardized prior authorization requests, along with requirements for timely processing of requests, have the potential to expedite approval, prevent delays in patient care, and reduce administrative barriers that undermine access to timely treatment," he said.

Carol Cross of the Crohn's & Colitis Foundation of America also provided written proponent testimony on the bill.

**SBFIREFIGHTER CANCER (Patton, T.)** To provide that a firefighter who is disabled as a result of specified **27** types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

(CONTINUED; 1st Hearing-Sponsor)

Sponsoring Sen. Patton told the committee that the likelihood of a firefighter being diagnosed with cancer at some point in his or her life is about 68%, as compared to the general population's rate of 23%.

The bill, he said, will cover nine types of cancer - six commonly found in men and three commonly found in women - with certain exceptions, including age and tobacco use.

"If you're a smoker, it doesn't count," Sen. Patton told the committee. He added that Ohio is in the minority of states when it comes to covering firefighters with cancer.

In response to a question from Rep. Bishoff about the preventative measures taken by firefighters, Sen. Patton said the equipment used today is better than ever before. However, he added, exposure to carcinogens is still a possibility.

Rep. Bishoff also asked about the cost to the Bureau of Workers' Compensation Fund.

Sen. Patton said the Ohio Municipal League estimated it would cost about \$75 million each year. However, he said, Pennsylvania has a similar program that has cost \$5.4 million over five years.

**Subscribers Note:** For full testimony, visit the [committee's website](#) under May 24.

#### Local Government

**HBBODY CAMERAS (Boyce, K., Grossman, C.)** To require law enforcement agencies that use body cameras **407** to adopt written policies for operation of the cameras and to require agencies to make the adopted policies available to the public. (**REPORTED (No testimony)**; 6th Hearing-All testimony-Possible vote)

**HBMILEAGE REIMBURSEMENTS (Hill, B.)** To require townships to provide mileage reimbursement to a **531** member of a board of township trustees and to a township fiscal officer for travel within the township that is necessary in the performance of the member's or fiscal officer's duties. (**CONTINUED**; 2nd Hearing-Proponent)

Matthew DeTemple, executive director of the Ohio Township Association, testified in support of the bill and reiterated some points made last week by the sponsor.

"Ohio townships are required by the Revised Code to provide roads - townships maintain more road mileage than any other government agency in the state - and cemeteries, and have permissive authority to provide police

and fire protection, emergency medical services, waste management, senior centers, parks and recreation, street lighting and zoning. The land mass of townships can be quite large, for example a six square mile area," he said.

Mr. DeTemple said a key way that townships are able to be more efficient than other local governments is they employ part-time employees or in some cases no employees.

"From plowing snow to digging graves to cleaning the township park bathrooms, they do it all. Township officials also save money by using their own vehicles," he said. "In many rural areas, for example, fiscal officers find it necessary to hand deliver sensitive documents due to the unavailability of high-speed internet. Trustees use their own vehicles to inspect the roads, ditches and signage."

Responding to a question from Chairwoman Rep. Anielski, the witness said the frequency of township meetings vary.

Steven Bradley, a trustee of Meigs Township in Muskingum County, stated the following points in arguing for the bill:

--Trustees check road signs and stop signs weekly, making sure they are in place and correct to ensure the safety of the public and emergency squads.

--Trustees travel around townships after wind storms to make sure there aren't fallen trees that could interrupt traffic and cause safety concerns.

--Trustees check roads for slips and culvert washouts after heavy rains.

--Trustees inspect roads after snow and ice storms to decide what measures need to be safety to ensure the safety of the community.

--Trustees travel to businesses within the township for to have new lines made for tractors and mowers and to buy special types of oil for this equipment.

--Trustees check on community buildings for break-ins, and in winter check that the heating systems are functional to avoid pipes freezing and bursting.

"As you can see, there are several reasons and circumstances that explain why a township trustee should be reimbursed for mileage, as they often use a personal vehicle to carry out these official duties," he said.

Chairwoman Anielski asked whether the trustee had done a cost analysis on how the proposal would impact the township's finances.

Mr. Bradley said he had not. "I just know the gas gauge keeps going down and I have to keep filling it up," he said.

Rep. Ruhl opined that the trustee should have been aware of his potential costs when he ran for the job, adding that county employees do not receive such reimbursements for using their own vehicles. "When I run for a job I know what all my expenses are," she said.

The trustee said that unexpected costs can come up, providing an example of when he got a call in the wee hours and had to drive his own vehicle to deal with the issue.

Mr. Bradley said his monthly check for serving as a trustee is \$500-plus a month.

Trustee Connie Fink submitted written testimony in support.

"As the Fiscal Officer for Springfield Township in Muskingum County, I know that there are many times during the month that I have to travel within the township to conduct township business," she wrote. "Dropping off

paychecks to employees, delivering bank deposits and mail to the post office and delivering information to the trustees, are just a few of the instances when I use my own vehicle to conduct township business."

"When an issue arises in the middle of the night and a trustee is required to address the problem, it is most often done with his/her own vehicle," she added. "Many townships in our area have no employees. When work is done on the township roads, it is the township trustees who are out doing the work or traveling to get equipment or parts, using their own private vehicles."

Commerce & Labor

**HB TRAIN CREWS** (Lepore-Hagan, M., Sheehy, M.) To require the crews of freight trains to consist of at **371** least two individuals. (CONTINUED; 2nd Hearing-Proponent)

Stu Gardner of the Sheet Metal, Air, Rail Transportation Workers - Transportation Division said having two-person train crews would ensure employee safety and the safety of communities through which trains travel.

He said Ohioans shouldn't be placed in a situation where they could see catastrophes because of inadequate locomotive staffing.

Mr. Gardner said instituting the law would have no adverse economic impact on rail companies, saying that 99% of operators already use two-person crews. "To remove the second person is to compromise safety," he said.

Tim Price of the Brotherhood of Locomotive Engineers & Trainmen also testified in support, saying the measure would ensure safety for crew, communities and the freight that is being transported via rail.

He noted that many rail personnel work on schedules where they must be available for 24 hours, and often with short notice. He noted that similar two-person crew requirements exist in the airline industry.

**HB SURGICAL TECHNOLOGIES** (LaTourette, S., Huffman, S.) To regulate the practice of surgical **373** technologists. (SCHEDULED BUT NOT HEARD; 3rd Hearing-All testimony)

**HB REAL ESTATE SALES** (Smith, R.) Relating to real estate brokers and salespersons. (REPORTED-**532** AMENDED (Set for Wednesday, May 25 House floor vote); 3rd Hearing-All testimony-Possible amendments & vote)

Rep. DeVitis amended the bill to specify that any non-credit courses would have to be reviewed by either the Ohio Department of Higher Education or the State Board of Career Colleges and Schools. ODHE would review courses offered by public institutions, and the board would review applicable courses offered by other institutions.

Linda Hondros, CEO of Hondros College of Business, testified as an opponent. She said her primary concerns involve language regarding whether courses required to sit for an exam could be credit-bearing or non-credit-bearing.

The change, she said, would have a negative impact on the profession, and on consumer protections.

She said non-credit-bearing courses aren't required to go through an accreditation process, adding that there is a misconception that because courses are offered, they are accredited. In reality, she said none of the courses that aren't reviewed by an accrediting body are credit bearing.

Ms. Hondros added that she doesn't want to see Ohio's quality real estate education programs reduced to basically an exam prep. "There will essentially be no standards," she said. "Simply passing an exam is not enough."

She added that distance learning options could be acceptable if the courses are credit-bearing and undergo some kind of accreditation process.

She told Rep. Brinkman that an amendment addressing the involvement of higher education oversight bodies doesn't address all of her concerns.

Several other witnesses made similar points.

Jim Simon, a real estate broker who is licensed in Ohio and Florida, said the bill does nothing to protect the public. He said he supports good and fair competition, but wants to make sure that new entrants to the industry are educated.

He cautioned that the measure would "drag us down" to the level that other states find acceptable.

Kristen Rosan, a real estate attorney, also opposed the measure, which she said sets the stage for people to obtain licensure without completing accredited coursework.

She said it would be an error to allow distance learning options that are unregulated and unchecked.

Matthew Watercutter, senior regional vice president at HER Realtors, said he supports many sections of the bill, but opposes language that allows courses to not be accredited.

Even with the current training system, some graduates still have a lack of training that brokerages have to make up. The change, he said, could put an undue workload on brokerages to make sure new licensees are properly trained.

Three witnesses involved with the Ohio Association of Realtors testified in support.

Tiffany Meyers, a broker with Howard Hanna, said opponents have been spreading misinformation about the proposal. She said the bill doesn't allow unqualified people to enter the industry and doesn't dilute educational requirements. Overall, she said the bill modernizes the real estate industry and improves Ohioans' access to educational opportunities.

Anjanette Frye, a 25-year realtor, also lent support, saying that while distance learning isn't for everyone, it will be important for people who don't have access to classroom opportunities because of geographic or family considerations.

She said opponents are concerned that the bill could increase competition in educational fields, but supporters feel the changes will enhance coursework and programs. Further, she said having online opportunities could help draw more young people into the business.

Pete Kopf, president-elect of the OAR, said many people don't have the flexibility in their schedules to attend classroom instructional settings, noting that distance learning could help draw good people into the profession. He also said the association backs the amendment.

Responding to questions from committee members, Tom Walsh of the Ohio Association of Community Colleges said the amendment adds a layer of scrutiny to make sure non-credit courses are reviewed.

He told Chair Young that the association is supportive of ways that create new pathways for Ohioans to get the education they need to join professions.

**HB MILITARY BENEFITS (Perales, R.)** To extend employment and reemployment protection to a person who **535** is a member of another state's national guard or organized militia and who is employed in Ohio.

**(REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)**

Energy & Natural Resources

**HB PIPING MATERIALS (Thompson, A.)** To restrict when a public authority may preference a particular **214** type of piping material for certain public improvements. **(CONTINUED; 3rd Hearing-All testimony)**

Josh Young of the American Chemistry Council offered supportive testimony. While he said chemical manufacturers across the country and in Ohio have not been given opportunities to compete through a limitation on materials for water pipe infrastructure projects, he testified more specifically on a proposed amendment that would clarify that the engineer have the ultimate authority and flexibility when designing a community's water project. He concluded that letting the engineer designing the project review any and all materials that meet the needs of the project will ensure the project is done in a safe and cost-effective manner.

Vince Squillace, executive vice president of the Ohio Home Builders Association, submitted written testimony in support of the measure.

Otherwise, a flood of opposition was voiced from various pipe manufacturers, professional engineers, local governments and representatives of city public utility works.

Leading off was Donald Lepley, P.E. of Forterra Building Products in Macedonia. He said the legislation is a top down government solution to a problem that doesn't exist. He noted only ten local communities conduct such a practice, adding that PVC pipe manufacturers should exercise their right to promote products on merit and performance directly with all other communities rather enacting a bill impacting the entire state. Mr. Lepley noted that similar bills have been introduced and rejected in other states including Arkansas, Indiana, Oklahoma, North Carolina, South Carolina, Tennessee, Connecticut and Arizona.

Mr. Lepley warned the bill will open the door for pre-bid litigation from any pipe material representative who believes their material was unjustly eliminated thus stopping the bid process, extending the project construction times and increasing costs to the community and design professional.

Ryan Robichaux, representing the Ductile Iron Pipe Research Association, charged the legislation is part of a national effort by PVC manufacturers to deny utilities, engineers and other waterworks professionals the ability to continue to design projects in the manner that best fits the needs of the project and/or their community. He said similar legislation in other states has failed because legislators there have recognized that it would undermine local and professional control over water projects while imposing state mandates in exchange for local engineering and technical judgment.

"The potential negative impacts of HB 214 range from litigation and bid protests, which delay much needed projects, increase costs and waste taxpayer dollars, to the ultimate goal of this national effort - the requirement to include the cheapest alternative material, PVC, in the specification for every state-funded water project," he maintained.

Rudy Brandt, president of Logan Clay Products Company, a Vitrified Clay Pipe manufacturer, said many manufacturers preferred VCP and write codes and project specs to reflect that preference. He said the bill undermines the authority of local municipal engineers to establish codes and specifications that are in the best interest of local ratepayers. He declared the bill to be unnecessary and would create future problems and additional expenses for local communities.

Tony Ashcraft, president of Local 7104 Union Steelworkers, urged defeat of the bill on behalf of 200 union steelworker employees of Clow Water Systems Company/McWane Ductile in Coshocton. He said the bill would directly threaten workers at McWane, the largest employer in Coshocton and warned of the ripple effect the bill's passage would have on the local economy.

Andrew Stone, city engineer and director of public workers for the City of Athens, testified in opposition on behalf of the Ohio Society of Professional Engineers. He said the legislation is very broad and appears to imply that public entities are biased. He added the bill attempts to take the selection of piping materials away from the most qualified decision makers - professional engineers. Mr. Stone allowed that he has nothing against plastic pipe and the City of Athens uses it in applications that he, as a professional engineer, deems appropriate adding that just because a material used for the manufacture of pipe or piping products is deemed suitable for a waterline, gas line or sanitary sewer in a laboratory, does not necessarily make it suitable for the varying environmental site conditions taken into account by a design professional.

Donald Mader, executive director of the American Council of Engineering Companies of Ohio, said the legislation is being opposed for one very simple reason with that being their belief that only one entity should decide the type of pipe that will be used on a public water or wastewater project. And that one entity, he continued, is the independent professional engineer of record who puts his or her license and livelihood on the line when designing critical public infrastructure. Mr. Mader said certainly there are municipalities skeptical of the merits of PVC pipe, but it is the obligation of the PVC pipe industry to sit down with the engineering staffs of those municipalities and demonstrate the merits of their products rather than asking the General Assembly to help force open the doors of the marketplace to gain an advantage over competitors by mandating the use of their product.

Others testifying in opposition of the bill were Brian Haemmerle, assistant administrator for the City of Columbus' Department of Public Utilities, and Richard Lorenz, water utility manager for the City of Westerville.

Other notable written opposition was submitted by the Ohio Municipal League, the County Engineers Association of Ohio, the Ohio Rural Water Association, the Ohio Steel Council, the American Concrete Pipe Association and the County Commissioners Association of Ohio.

**HBOIL GAS LAW (O'Brien, S., Patterson, J.)** To require recording and notification of assignments of leases for **422** real property for the placing of an injection well, to revise the procedures and requirements governing the application for and issuance of a permit for a well to inject brine and other waste substances from oil and gas operations, to establish an additional fee on the injection of those substances, to require a person conducting brine or other waste substances operations prior to January 1, 2014, to obtain a permit or order to do so, to establish requirements governing ground water monitoring related to that injection, and to make other revisions in the Oil and Gas Law. **(CONTINUED; 1st Hearing-Sponsor)**

In sponsor testimony, Rep. Sean O'Brien said the bill was crafted as a win-win-win situation for the Department of Natural Resources, local residents and interested parties in the oil and gas industry as it protects citizens while simultaneously allowing various regions of the state to reap economic benefits provided by shale gas exploration, including job creation, greater tax revenue and energy independence.

Rep. O'Brien explained key provisions of the bill include the banning of any future permanent vault storage of brine, the establishment of required comprehensive ground and surface water monitoring in and around injection well sites and the codification into law of telemetric monitoring on brine trucks. He added the legislation also defines an engineered surface facility and would require an engineer to sign off on any new injection well construction while also defining and specifying setback requirements from 100-year floodplains, homes and waterways.

The sponsor continued that while much remains to be done to unequivocally ensure the health and safety of Ohioans living near injection well sites, provisions embodied in the legislation go a long way toward improving current injection well oversight and regulations that, to date, he charged are grossly inadequate due to the relatively new nature of shale exploration. "...not only are we protecting people and natural habitats, but we are creating a safer environment in which shale exploration can take place, thereby allowing Ohio to continue to reap the huge benefits that come with it," he concluded.

**SB NATURAL RESOURCES (Balderson, T.)** To revise specified laws relating to natural resources. **293 (REPORTED (Set for Wednesday, May 25 House floor vote); 3rd Hearing-All testimony-Possible amendments)**

The panel tabled amendments offered by Reps. Boccieri and S. O'Brien. The Boccieri amendment would have authorized the expansion of the Mahoning and Geauga County Boards of Park Commissioners from three to five members with the two additional members being appointed by the Board of County Commissioners. The amendment further would have added a provision that before an appointing probate judge or board of county commissioners makes an appointment, the judge or board must provide an opportunity for public comment on the appointment. Rep. Hill said the current appointing authority has been in place for decades and has worked well and provides state uniformly.



The O'Brien amendment would have provided that forest fire investigators be a part of state classified service. Rep. Hall argued this would create a special class of employee being placed within the system.

Prior to the committee's final vote on the bill, Michael Weinman expressed opposition on behalf of the Fraternal Order of Police of Ohio. He expressed concern about the reduction in the number of state park officers and the growing reluctance of local law enforcement to send officers to state park incidents due to their own budget reductions. He said staffing issues will be exacerbated by the bill in that it assumes that former watercraft officers will take on a more reactive law enforcement role on land as opposed to their current blend of law enforcement and boating safety officer on the water. He concluded response time to an accident or incident on a waterway not adjoining a state park would increase hereby further jeopardizing property and lives.

Mr. Weinman called the move a "shell game" giving the impression that there are more officers on waterways and state parks than there actually are.

#### Judiciary

**HBOVERDOSE DEATHS** (Dever, J., Pelanda, D.) To provide that causing the death of another person by an **270** overdose that results from the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and to make this provision a strict liability offense. (**REPORTED-SUBSTITUTE (No testimony)**; 3rd Hearing-All testimony-Possible amendments & vote)

The bill, according to sponsoring Rep. Dever, was amended to provide a judge discretion to sentence an offender to a prison sentence of up to 20 years, a maximum fine of \$10,000 or place him or her under community control sanctions.

"We want to give the judge the most flexibility possible to deal with the facts before him," he said.

**HBDOMESTIC VIOLENCE** (Sykes, E., Kuhns, C.) To authorize the issuance of domestic violence protection **392** orders with respect to conduct directed at an intimate partner, to provide access to domestic violence shelters for intimate partners who are victims of domestic violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that an intimate partner who is the victim of domestic violence has the right to petition for a civil protection order. (**REPORTED-SUBSTITUTE (Set for Wednesday, May 25 House floor vote)**; 6th Hearing-All testimony-Possible substitute & vote)

Summit County Magistrate Ron Cable told the committee that "civil protection orders offer an opportunity to stop contact and reduce conflict between parties to prevent additional violence before it occurs, rather than waiting for the conflict to escalate to threats, stalking, physical injury, sexual offenses or even death."

However, he said there is still a loophole involving dating violence between adults.

The substitute version of the bill removes all references to "intimate partners" for uniformity.

**HB JURY DUTY** (Gonzales, A.) To permit a prospective juror who is a mother who is breast-feeding her baby **513** to be excused from jury service. (**CONTINUED**; 2nd Hearing-Proponent)

Ann Davis, secretary of the Ohio Breastfeeding Alliance, told the committee that her group often hears complaints from breastfeeding mothers who are called to jury duty.

"The conflict for these families are generally two types: managing a sudden change to the needs of the their baby who nurses at the breast and managing the need to maintain their milk supply while fulfilling their civic duty," she said.

She said trying to feed a breastfeeding baby with a bottle can have a detrimental impact on the continuation of the breastfeeding relationship.

Anna Sokol, who was called to jury duty in Franklin County in February, told the committee she experienced issues with pumping accommodations and was forced to tell the court about her pumping needs and schedule.

She said it "felt like letting a room full of strangers know personal medical details that I should have had the option to discuss privately."

"It was embarrassing and exposing and made my situation a topic for other jurors to approach me and talk about whether I wanted to share that information with them or not."

**HB PAROLE ELIGIBILITY (Manning, N.)** To provide special parole eligibility dates for persons with an **521** indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing. **(REPORTED-AMENDED (No testimony) (Set for Wednesday, May 25 House floor vote); 3rd Hearing-All testimony-Possible amendments & vote)**

The bill was amended to change the date at which juvenile offenders would be eligible for parole. Under the amendment, those convicted of a crime as a juvenile and serving a sentence of at least 15 years with no consideration for parole until serving 20 years, the prisoner would be eligible for parole after 15 years. If a sentence permits parole after more than 20 years, the offender would be eligible for parole five years prior to the eligibility date set at sentencing. If a sentence does not permit parole until after 30 years have been served, an offender would be eligible after 30 years served. Those with a sentence of life without parole would be eligible for parole after 35 years.

"This is a typical compromise," sponsoring Rep. Manning said. "I think it addresses everyone's concerns."

**SB DEATH DESIGNATION DEEDS (Bacon, K.)** To amend the law related to transfer on death designation **232** deeds and affidavits. **(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

The bill was amended to remove a previously adopted amendment that would have allowed for a regression analysis, according to sponsoring Rep. Dever.

#### Community & Family Advancement

**HB CHILD ABUSE REPORTING (Sears, B., Ryan, S.)** To make changes in the child abuse and neglect **493** reporting law. **(REPORTED-SUBSTITUTE (No testimony) (Set for Wednesday, May 25 House floor vote); 4th Hearing-All testimony-Possible substitute & vote)**

The substitute requires that any additional reports of medical examinations, tests, or procedures by a mandatory reporter that become available after any initial reports must be provided, upon request, to the public children services agency.

The substitute also provides that a health care professional's ability to discharge a child who is the subject of a mandatory report does not alter the responsibilities of any person under the law for filing a complaint involving a child in juvenile court to taking a child into custody.

And, finally the substitute version excludes health care providers from the bill's immunity provisions if that provider, when participating in medical examinations, tests or procedures regarding a child abuse or neglect report, deviates from the standard of care.

Voting against reporting the substitute were Reps. Dean and Hood.

#### Government Accountability & Oversight

**HJR CONSTITUTIONAL CONVENTION (Patmon, B., Hagan, C.)** Application to the Congress of the United **3** States for a Convention of the States under Article V of the Constitution of the United States.

**(CONTINUED; 3rd Hearing-Opponent)**

Common Cause Ohio Senior Policy Analyst Catherine Turcer expressed opposition to the resolution. She quoted James Madison, who in a 1788 letter, expressed the belief that a second convention would provide "the most violent partisans" and "individuals of insidious views" a "dangerous opportunity of sapping the very foundation of the fabric" of the country.

"While many agree that we have serious, systemic problems that need to be addressed, a constitutional convention is simply not the answer," Ms. Turcer said. "We are living in a highly polarized time and a convention could open the entire constitution to revision."

Citizen Dale Terry agreed, arguing that the constitution would become an "open book" for revisions during such a convention. The founding fathers ignored their mission to revise the Articles of Confederation and instead drafted an entirely new constitution. There is nothing prohibiting delegates to a second convention from similarly deviating from their mission, he said.

He also urged committee members to keep in mind that any convention would be carried out under the purview of the federal government, which gives no guarantees the states' aims will be accomplished.

Submitting written opponent testimony were Publius Huldah and Barbara Burkard.

**SJR COMPENSATION COMMISSION (Faber, K.)** To establish the Public Office Compensation Commission. **(SCHEDULED BUT NOT HEARD (Set for Wednesday, May 25 House floor vote); 6th Hearing-All testimony-Possible amendments & vote)**

**HB HUMANE SOCIETIES (Hambley, S.)** To require approval by the board of county commissioners, instead of the probate judge, of appointments of agents by county humane societies outside a municipal corporation, to specify that a county humane society is a political subdivision, to make its directors, agents, officers, and employees subject to the Ethics Law, and to increase the salaries paid to the agents. **(CONTINUED-SUBSTITUTE (No testimony); 4th Hearing-All testimony-Possible substitute)**

The committee adopted a substitute bill put forward by Rep. Pelanda that changes the process for revoking a humane society agent's appointment. Under the sub bill, the society must notify the probate judge, county sheriff, and board of county commissioners of such an appointment.

The judge may then revoke the appointment for just cause upon the filing of a motion for revocation. The burden to prove just cause lies with the movant, according to the sub bill.

The sub bill also removes changes in previous versions to modify how societies hire special prosecutors. The sub bill does maintain, however, language that prohibits special prosecutors from prosecuting human abuse cases.

The sub bill also affords counties the flexibility to pay society agents and special prosecutors out of the general fund or dog and kennel fund, according to Rep. Pelanda.

**HB BALANCED BUDGET (Koehler, K., Hambley, S.)** To adopt the Compact for a Balanced Budget and to declare an emergency. **(CONTINUED; 3rd Hearing-Opponent)**

Citizen Dale Terry expressed skepticism of the bill, which would enter Ohio into a compact with other states to work toward a federal balanced budget amendment.

He reiterated his concerns regarding an Article V constitutional convention and said such an amendment might not have the intended impact proponents hope.

"There'll be no decline in government as far as making government smaller is what my point is," he said. "I think the chances of that are pretty slim."

Three others - Judi Caler, Bill Lucas, and Sharon Maingi - submitted written opponent testimony, arguing a convention of states would lead to potentially dangerous revision of all areas of the constitution.

**HB AGENCY RULEMAKING (Duffey, M.)** To reform agency rule-making and legislative review thereof. **503 (CONTINUED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)**

**SB MOTOR VEHICLE SALES (Uecker, J., Coley, B.)** To revise the law governing new motor vehicle franchise agreements. **242 (REPORTED (No testimony) (Set for Wednesday, May 25 House floor vote); 3rd Hearing-All testimony-Possible amendments & vote)**

**SB VOTING HOURS (Seitz, B.)** To specify the conditions under which a court may order that a polling place be kept open for extended hours on the day of an election and to require a person who votes pursuant to such an order to cast a provisional ballot. **296 (REPORTED-AMENDED (See separate story) (Set for Wednesday, May 25 House floor vote); 3rd Hearing-All testimony-Possible amendments & vote)**

**SB PUBLIC RECORDS (Faber, K.)** To create a procedure within the Court of Claims to hear complaints alleging a denial of access to public records and to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees, and to expand the infrastructure record exemption under Public Records Law. **321 (REPORTED-AMENDED (See separate story) (Set for Wednesday, May 25 House floor vote); 2nd Hearing-All testimony-Possible amendments & vote)**

**Subscribers Note:** For full testimony, see the [committee's website](#) under May 24.

Finance: Higher Education Sub.

**HB HIGHER EDUCATION (Brown, T.)** With respect to the coordination and administration of higher education programs and the College Credit Plus program. **474 (CONTINUED (See separate story); College Credit Plus Operational Presentation)**

Ways & Means

**HB TIF CREATION (Butler, J., Burkley, T.)** To establish a procedure by which political subdivisions proposing a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and to permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response. **12 (REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)**

The committee accepted a substitute measure that Rep. Burkley said is technical and changes wording regarding local parcels outside overlays.

Sugarcreek Township Administrator Barry Tiffany opposed the measure, saying it "is not a solution to a problem, but rather it will create a problem for which there will be no solution."

A township TIF has raised \$5 million for road improvements and gave Sugarcreek the opportunity to simultaneously build business relationships through the incentive, he said.

Mr. Tiffany questioned comments made by the sole witness, who is from Sugarcreek Township, to testify in support of the measure. He said the TIF was created six years before that resident invested in land that was included in it.

"This law works in its current form and there is no overwhelming evidence or outcry from throughout the State of Ohio that would create a need to change it," he said. "With all due respect to sponsors Butler and Burkley, and their efforts to be proactive, the proposal to change the legislation is based on possibility rather than actual problems occurring."

Rep. Burkley asked if there is still an opportunity for the township to enact a partial TIF adjacent to one that already exists. The witness said having a partial TIF overlay the full one could cause implementation issues because individual TIFs would all start at different times depending on development of the parcels.

The sponsor told Mr. Tiffany that he introduced the measure because there were some members of TIFs who weren't involved or listened to in the process of creating them.

Mr. Tiffany told Rep. Henne that the resident who has opposed a TIF in the township has benefited from developments made as a result of the money collected because of the agreement.

**HB TAX CREDIT (Hill, B.)** To authorize a refundable income tax credit for current livestock owners who **297** invest in a manure storage or treatment facility or acquire manure application equipment or manure handling and transportation equipment. (**REPORTED-SUBSTITUTE**; 4th Hearing-All testimony-Possible substitute)

Rep. Burkley said a substitute version of the bill would shorten the tax credit to apply to 2015-2025.

It would also make the tax credit graduated for manure storage; exclude confined animal feeding operations from receiving the credit; cap eligible expenditures at \$200,000; and include contract growers of livestock as eligible for the credit, among other things.

Adam Rissien, clean water director for the Ohio Environmental Council, supported the measure and the substitute version that was adopted in committee.

The substitute bill ensures the tax credit is only available for those who do not already receive financial assistance through the Federal Natural Resource Conservation Service's EQIP cost share program and excludes certified livestock managers from being eligible.

Mr. Rissien said those provisions could still be improved by prohibiting those receiving funds through state cost-share programs and third-party contractors from being eligible for the credit.

The council is also in favor of annual reporting of which watersheds receive the manure.

"Though we believe the substitute bill still has room for improvement, we believe the bill will benefit not only smaller livestock producers, but Ohio's environment and water quality as well," Mr. Rissien said.

**HB TRADE ZONES (Anielski, M.)** To establish a five-year pilot program whereby taxpayers with facilities in **491** this state with activated foreign trade zone status may claim a nonrefundable commercial activity tax credit equal to the amount redeployed by the taxpayer to job creation or other specified projects. (**CONTINUED**; 2nd Hearing-Proponent)

Ronald W. DeBarr, president and CEO of the Northeast Ohio Trade & Economic Consortium, said the measure would "inspire" companies to become more engaged in international commerce, which can be difficult because of competition.

"House Bill 491 is timely and would be a pivotal movement to position Ohio companies now to compete in a more aggressive global market that will surely come in the near future," he said. "The investment required for a company to receive this benefit will only make our companies more productive and competitive and serve as a way to create new jobs tied to export activity."

Mr. DeBarr said that studies show companies involved in international trade pay employees 12% higher wages on average.

Building on the claim that allowing foreign trade zones to reinvest their commercial activity taxes would be a boon for job growth in the state, Consultech President Roy F. Knapp Jr. told the panel that estimates have found that for every 100 direct jobs created by a zone, 167 additional jobs were created outside of the zone.

Barry Chesler, chief financial and administrative officer for Northern Haserot, also praised the bill through written testimony.

He said the CAT has cost his company more than \$1 million over a ten-year period on top of significantly increased property taxes and it has impacted decisions to expand.

"With the opportunity to redeploy the funds, Northern Haserot will not only have the opportunity to utilize the funds for job creation and the other alternatives, but will also consider the expansion of the distribution center and possibly another distribution center in Ohio," Mr. Chesler wrote.

**SB BULLION TAXES (Jordan, K.)** To exempt from sales and use taxes the sale or use of investment metal **172** bullion and coins. (**REPORTED-AMENDED**; 4th Hearing-All testimony-Possible amendments & vote)

Rep. Scherer offered three amendments that became part of the bill. They clarify that investment metals - not collectable items - are eligible for the credit and that fraternal organizations are exempt from property tax after having existed in the state for at least 85 years.

Current code is being interpreted by the Department of Taxation to mean that the fraternal organizations are only exempt if they've resided in the same building for 85 years, Rep. Scherer said.

A final amendment changes income tax payment due dates to be consistent with state filing dates.

"We revised the quarterly income tax filing deadline for employers making them due on the 15th of the month," Rep. Scherer said of House Bill 5 in the 130th General Assembly. "Frankly, that was a mistake."

Melinda Frank, tax division administrator for Columbus, said she's supportive of permitting electronic transactions. However, the amendment does not ensure that the payment is actually made, she said.

The language would use a time stamp whether a bill is scheduled or debited, meaning it's possible for a person to stop a payment before it's made.

Chairman Schaffer said he will work with CPAs and other interested parties to address the issue through a separate piece of legislation because it's pertinent that the bill and other amendments are sent to the governor as soon as possible.

Rep. Cera, who opposed the amendment, said he thought the changes could be made before advancing the measure.

He offered an amendment - which was ultimately tabled with a 10-8 vote - that would have held local governments and libraries harmless from any lost revenue resulting from the bill.

#### Education

**HBSCHOOL CONSOLIDATIONS (Patterson, J., LaTourette, S.)** To require the Ohio School Facilities **148**Commission to provide classroom facilities assistance to a school district resulting from the consolidation of two or more school districts or from the voluntary transfer of the entire territory of a school district if specified conditions are satisfied. (**REPORTED-SUBSTITUTE (No testimony)**; 3rd Hearing-Possible substitute & vote)

Rep. Patterson said he worked with School Facilities Construction Commission Chairman Tim Keen to "clean up" the language of the bill and set parameters in the substitute version that was adopted in committee.

The substitute allows all districts that consolidate, merge or transfer to create a new district between Fiscal Years 2013-2018 to be eligible for construction funding, he said. The commission can deny funding to those schools that consolidate without it resulting in efficiencies.

When determining local share, the state will use the lowest percentage of all the merged districts, under the new language, Rep. Patterson said. OSFC would be provided flexibility in those percentages when dealing with districts located on the site of institutions offering College Credit Plus.

**HB FINANCIAL LITERACY (Hagan, C., McColley, R.)** To require one-half unit of economic and financial **383** literacy in the high school social studies curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each state institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act." (**REPORTED-SUBSTITUTE**; 4th Hearing-Possible substitute & vote)

Rep. Henne and Rep. Schaffer said ahead of the vote that they are opposed to the measure because while they support financial literacy, it's not appropriate to dictate to local schools how they should be teaching the subject.

"I don't think we need to be telling from the state level again what everybody needs to be doing at the local level," Rep. Henne said.

Chairman Brenner said he is supportive of the bill because, as a former mortgage broker, he often dealt with first-time homeowners who weren't even able to balance a checkbook to determine how much money they had available.

"I do think the bill itself is something that is important for all school and all students in the state of Ohio to make sure in fact that when they graduate or they go on to college or elsewhere that they understand the basics of finance," he said.

LSC described the accepted substitute version, which removes provisions that would have required institutions to report student employment data and changes the implementation date from July 1, 2017 to July 1, 2018.

It also adds a provision specifying that individuals licensed to teach business, consumer and family sciences or social studies may teach financial literacy and permits a district to choose whether the course is included under social studies or in elective offerings.

The Ohio Association of Independent Schools asked that the bill be updated to exempt private schools from being required to teach financial literacy as part of the high school social studies curriculum.

"Parents make a decision to forego a free public education available for their children and instead devote resources to pay for an education they believe is more appropriate for their children," OAIS Executive Director Dann Dodd said. "It is not adherence to government mandates that brings students to our schools."

Chairman Brenner said he is not opposed to exempting private schools from offering the literacy course, but there was not enough time to pull together an amendment to the measure before a committee vote.

The Buckeye Association of School Administrators, the Ohio Association of School Business Officials and the Ohio School Boards Association wrote in joint testimony that they're supportive of the informed student document and curriculum standards required under the bill.

However, the groups said the financial literacy class would have to be an elective because of the other social studies requirements students have to meet for graduation.

Requiring students to take the class as one of their five electives could prohibit students from taking classes that would fit their chosen career paths, according to the group's written testimony.

They also raised concerns about schools having to hire additional teachers for the financial literacy courses or eliminating other classes to free up teachers.

OSBA Legislative Services Director Damon Asbury was available to take questions from the panel. He told Rep. Fedor that it's possible banks or credit companies could offer free financial literacy instruction to schools.

**HBSCHOOL ACTIVITIES (McColley, R.)** To permit a student enrolled in a nonpublic school to participate in **441** interscholastic activities at a school district that is not the student's resident district under certain circumstances and to prohibit a student who participates in the College Credit Plus program from being denied the opportunity to participate in interscholastic athletics solely due to participation in the program. **(REPORTED-SUBSTITUTE; 3rd Hearing-Possible substitute & vote)**

Rep. McColley said the substitute measure clarifies that private school students can only seek to participate in sports at their home district or the district where their private school is located.

Once a student agrees to play sports within a certain district, he or she cannot switch, he said.

The sponsor told Rep. Huffman that the bill is silent on club team participation so the Ohio High School Athletic Association would likely address any issues related to that.

OAIS' Dan Dodd testified in support of the measure, saying that sports are important components in student growth and participation should be made easier.

BASA, OSBA and OASBO wrote in opposition of the bill, saying that allowing students to choose which school's sports they'd like to participate in is unfair.

"Under the bill's provisions, these students would be provided an opportunity to participate in extracurricular activities or interscholastic athletics in either the public school district of residence or the public school district in which the nonpublic school is located," the groups wrote. "These same benefits and opportunities are not available to students enrolled in traditional public schools. The student enrolled in the traditional public school district has only one choice - that being their public school district of attendance."

"This differential treatment is unfair to traditional public school students. Further, it opens the door to potential recruiting violations," they continued.

The groups suggested that the OHSAA and school superintendents should be given the authority to approve the sports agreements.

**HBESC PERFORMANCE AUDITS (Schuring, K.)** To authorize the Auditor of State to conduct a **459** performance audit of an educational service center and to require a comprehensive performance audit of all educational service centers. **(REPORTED; 3rd Hearing-Interested party-Possible vote)**

Craig Burford, executive director of the Ohio Educational Service Center Association, said ESCs don't oppose the bill or performance audits, but are concerned about the lack of detail about what the required audits would entail and how they'd be paid for.

"Our membership does...have concerns with the methodology of payment being a proportional share based on ESC client district enrollment, and we do want to make sure that if the ESCs are paying for performance audits that they, in fact, are receiving comprehensive, actionable performance audits and recommendations for each of their organizations," he said.

The association has been working with the auditor's office to find consensus on the payment model and an agreement hasn't yet become part of the bill, he said, urging the committee to hold off on advancing it.

Chairman Brenner said witnesses from the auditor's office testified that it would come to payment agreements with entities that it did not find cost savings for. Mr. Burford said he would be supportive if such an offer was extended to ESCs under the bill.

**HBILITERACY (LaTourette, S., Roegner, K.)** To require the State Board of Education to establish the state



**487** Seal of Biliteracy to be attached or affixed to the high school transcripts of qualifying students.  
**(REPORTED-AMENDED (No testimony); 3rd Hearing-Possible substitute & vote)**

LSC said the amendment allows parents or guardians of homeschooled students to assign the state seal of biliteracy to those students. The students would be required to meet the same standards and follow the same procedures as students in site-based schools.

**HB STUDENT EXPULSIONS (Kunze, S.)** With respect to the expulsion of a student from a school district, **498** community school, or STEM school for communicating a threat of violence to occur on school grounds.  
**(CONTINUED; 1st Hearing-Sponsor)**

A companion to a measure currently pending in the Senate, the legislation attempts to provide schools additional tools to address situations where students make or carry out threats against buildings, teachers or peers, Rep. Kunze said.

Under the bill, the board of education could adopt a resolution allowing a superintendent to expel a student from school for up to 60 days for communicating a threat to kill or do physical harm to property or others, she said.

It also defines a threat and the district may require a pupil who made the threat or took steps to enact it to undergo a mental health evaluation, the sponsor said. If the student fails to receive the assessment, expulsion could be extended for up to a year so long as the school provided options for alternative learning.

The permissive legislation also permits school districts and law enforcement agencies to file civil actions to seek restitution for any costs incurred as a result of an expelled pupil's conduct.

Rep. Hayes pointed to concerns raised when a similar measure was introduced in the last General Assembly. He asked how the mental health evaluation would be paid for and if due process would allow a student to be returned to school before an expulsion period is over.

The sponsor said many decisions are left up to individual districts and said proponents of the bill will be able to better explain how the bill would work in practice.

Rep. K. Smith said he would be supportive of the legislation because it is permissive, but he would like to receive more input from schools to determine if there are any unintended consequences.

**HB HIGH SCHOOL EXAMS (Koehler, K., Landis, A.)** To permit high school students to take a civics **544** assessment instead of the American government end-of-course examination. **(CONTINUED; Informal Hearing-Sponsor)**

The measure would allow high school students to take a civics assessment instead of the current American government end-of-course exam, Rep. Koehler said during an informal hearing.

He said it's necessary to beef up civics lessons in school, pointing to studies that show that just 24% of high school students are proficient in the topic, and just 36% of Americans could name all three branches of government.

"Our young people today face a crisis of knowledge with respect to their understanding of the basis of our Republic and its founding documents," the sponsor said. "A casualty of our hyper-focus on reading, math, science, and technology - which are not bad - has resulted in only 8 states that currently require the teaching of civic education."

Answering questions from the panel, Rep. Koehler said the test would cover information similar to what's included on the U.S. residency test and could be integrated into an existing exam.

**HB SCHOOL DISTRICT BOUNDARIES (Duffey, M., Bishoff, H.)** To make boundaries of certain school **556** districts that are parties to an annexation agreement permanent under state law. **(CONTINUED; 2nd**

## Hearing-All testimony)

Chris Valentine, member of the Dublin City School Board of Education, announced that the district has terminated its win-win agreement with Columbus City Schools - the basis for the legislation.

"From the onset, the Dublin Board of Education has made it very clear: We would take whatever means necessary to secure our borders for the benefit of all of our students," he said, thanking the bill sponsors for the role their proposal played in the agreement.

The two schools that were pushing the legislation have now come to agreements with Columbus, meaning they're no longer looking for legislative action, Mr. Valentine said.

There are other schools that are currently in the negotiation process, however, Rep. K. Smith pointed out. He and Rep. Boyd said they're uncomfortable with the General Assembly inserting itself into contract discussions.

Dublin residents Sherri Navarro, Emilie Eskridge and Maria Davis as well as Donna O'Connor, a teacher in the district, were set to testify in support of the measure but chose not to speak because it no longer impacts Dublin.

## Finance

**HBCOLLEGE COMPLETION (Ramos, D.)** To create the Finish Fund and the Finish Reserve Fund to **27** provide grants to students who are nearing completion of their associate or bachelor's degrees and display financial need or hardship and to make an appropriation. (**CONTINUED**; 1st Hearing-Sponsor)

"The Finish Fund's sole purpose is to assist academically successful students with financial hardship to complete their degree programs. The fund would be made available to those who have demonstrated satisfactory academic progress through the first two-years of their undergraduate studies," Rep. Ramos said in prepared testimony.

"Satisfactory academic progress is often defined by the individual university and considers grades, credits taken, credits earned and number of courses failed. In addition, it would require that the student's GPA be at least 2.5 cumulative."

The sponsor said the program "would help those who are doing everything right academically, where life sometimes gets in the way, financially."

Rep. Ramos said the funds would only be made available to students who:

--Maintain satisfactory academic progress.

--Maintain a 2.5 cumulative GPA.

--Are college juniors or seniors or in their second year of study at a community college, with priority given to 4-year students and those nearest graduation.

--Have exhausted all other funding streams available to college students (Pell Grants, OCOG, institutional scholarships or grants, private scholarships, etc.).

In addition, he said funding would be prioritized for those students who have taken out available federal student loans.

"A number of universities have some reserve funds available for students who have been enrolled, made satisfactory progress, and who need additional financial assistance to complete their degrees. However, these programs are often not fully able to meet the demand," he said.

He cited a national study by the Bill and Melinda Gates Foundation that found many students drop out of college due to the financial pressures of attending college.

Rep. Ramos said the Finish Fund would be administered by the Department of Higher Education, which would make awards and disbursements to the student's institution directly "to ensure that the funds are being used to fulfill the student's tuition and room and board obligations."

The bill includes priority tiers and an accountability system "that tracks how receipt of this aide coincides with academic progress moving forward."

"By adding the Finish Fund, we could help this all important population who has already proven they can and have succeeded in college work," the sponsor said. "As such, The Finish Fund would fit perfectly with the work we have already begun toward higher college affordability, and ultimately more Ohioans with a college degree."

**HB FILM TAX CREDITS (Schuring, K.)** To authorize motion picture companies to transfer the authority to **475** claim refundable motion picture tax credits to other persons, to adjust how the credit is calculated, to increase the total amount of credits that may be awarded per year, to remove the limit on the maximum credit amount that may be awarded to a motion picture, and to create a job training program for resident film crew members. (**REPORTED-AMENDED**; 4th Hearing-All testimony-Possible amendments & vote)

The panel adopted amendments offered by Rep. Ryan that reduce the increase in the program and eliminate a rollover provision, making the new \$40 million annual ceiling a "hard cap."

The Democrats saw some amendments tabled but the majority did adopt language offered by Rep. Reese to require that tax credit program participants meet Minority Business Enterprise requirements.

Nevertheless, the bill's language, sans the Reese amendment so far, is slated to be moved through the legislature Wednesday as part of another House bill that's currently in the Senate (**HB 390**) - (*See separate story*)

**HB APPROPRIATIONS ADJUSTMENTS (Smith, R.)** To provide authorization and conditions for the **547** operation of state programs and to make appropriations. (**CONTINUED-SUBSTITUTE (See separate story)**; 4th Hearing-All testimony-Possible amendments & vote)

**HB DOG SALES (Scherer, G.)** To regulate the sale of dogs from pet stores and dog retailers and to require the **573** Director of Agriculture to license pet stores. (**CONTINUED**; 1st Hearing-Sponsor & proponent-Pending referral)

Rep. Scherer provided sponsor testimony on the bill's language, which was originally offered as an amendment to tax legislation (**HB 166**) but pulled after it prompted significant opposition in the Senate. Separate companion legislation (**SB 331**) is slated for Senate action this week (*See separate story*).

The proposal stems from Grove City's ordinance requiring pet stores to only purchase dogs for resale from shelters. It is backed by Petland, which opened a store in the city before the ordinance passed, prompting a push for legislation that would override local restrictions. (*See [Gongwer Ohio Report, May 11, 2016](#)*)

"A few years ago, Ohio enacted one of the strongest anti-puppy mill laws in Ohio. Today, our great Department of Agriculture is enforcing new standards to ensure that breeders are responsible and that pets are safe," Rep. Scherer said.

"Today, I am sponsoring the next logical step in the protection of our pets, which also assists a thriving industry in Ohio, neighborhood pet stores. Currently there is not a cohesive pet store buying standard in Ohio. In fact several pet store owners I have spoken to have requested that the legislature adopt a statewide standard for sourcing so that wherever and whenever a pet store opens and operates in Ohio, a strong universal standard will exist."

"Currently, a few cities have pieced together various sourcing rules for the sale of puppies, yet none of these efforts have helped to ensure that pet stores adhere to the highest standards. This legislation will create a first of its kind statewide buying standard that will be the strongest in the nation."

The sponsor said the bill was crafted after working with Ohio's pet stores, the Ohio Department of Agriculture, The Ohio Farm Bureau, and the Ohio Veterinary Medical Association and other interests. He said the highlights include:

- A statewide buying standard for all pet stores that only allow them to source from breeders who have no direct violations from the USDA for the past two years or no indirect violations for the past 2 years.
- A requirement for pet stores to provide a full list of information about the puppies they sell to each customer to include where the puppy was born, all breeder information and verified health certificates from an accredited veterinarian.
- A universal buying standard in place of diverse local ordinances ensures that pet stores with multiple locations can operate seamlessly across the state. There just shouldn't be 10 different standards in 10 different cities.
- Authority for Ohio to reduce the number of internet sales of dogs by "bad breeders."


"I plan to work over the summer with interested parties and I welcome the participation of any of you, my colleagues, in the process," Rep. Scherer said. "I anticipate having a substitute bill this fall for the further consideration of this committee."

Representatives of Petland, the Pet Industry Joint Advisory Council, and the Family Puppy in Toledo reiterated their support for the language and echoed prior testimony in the Senate.

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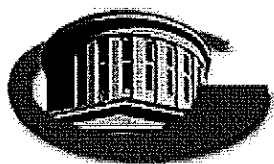
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## Gongwer News Service Ohio Media Clips

1 message

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Wed, May 25, 2016 at 8:17 AM



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## Ohio News & Opinion For May 25, 2016

### News

Ohio lawmakers OK bill letting parents freeze child's credit (Associated Press, 5/25/2016)

Judge temporarily blocks state from axing Planned Parenthood money (Cincinnati Enquirer, 5/25/2016)

Lawmakers fast-track bill requiring cash for longer voting hours (Cincinnati Enquirer, 5/25/2016)

No body camera vote till November - at least (Cincinnati Enquirer, 5/25/2016)

As John Kasich reflects on his presidential bid, he worries about Donald Trump and a nation of victims (Cleveland Plain Dealer, 5/25/2016)

Cleveland, Secret Service to announce protest routes, downtown restrictions for Republican National Convention (Cleveland Plain Dealer, 5/25/2016)

Federal judge blocks Ohio law that eliminated 'Golden Week' voting (Cleveland Plain Dealer, 5/25/2016)

John Kasich not ready to release his delegates: Ohio Politics Roundup (Cleveland Plain Dealer, 5/25/2016)

John Kasich to attend Holocaust commemoration ceremony: What to watch for Wednesday (Cleveland Plain Dealer, 5/25/2016)

John Kasich writing a book about his presidential run, still not ready to endorse Donald Trump (Cleveland Plain Dealer, 5/25/2016)

Labor groups launch attack ads against Rob Portman (Cleveland Plain Dealer, 5/25/2016)

Lawmakers OK with medical marijuana for PTSD should include condition for workers' comp, police union says (Cleveland Plain Dealer, 5/25/2016)

Ohio lawmaker to play key role in Democratic Party platform fight (Cleveland Plain Dealer, 5/25/2016)

Columbus company owes state more than \$700,000 in Medicaid money (Columbus Dispatch, 5/25/2016)

House OKs online voter registration -- after fall election (Columbus Dispatch, 5/25/2016)

Judge rules Ohio voter rights violated (Columbus Dispatch, 5/25/2016)

Lawmakers set to vote on historic medical marijuana bill today (Columbus Dispatch, 5/25/2016)

Ohio Republicans want to wipe out bipartisan prison watchdog agency (Columbus Dispatch, 5/25/2016)

Auditor wants education department split up (Dayton Daily News, 5/25/2016)

Medical marijuana: Ohio lawmakers set to vote Wednesday (Dayton Daily News, 5/25/2016)

Ohio may get online voter registration in 2017 (Dayton Daily News, 5/25/2016)

Bill would restore tax exemption for metals (Toledo Blade, 5/25/2016)

Ohio Senate revises marijuana bill (Toledo Blade, 5/25/2016)

Ohio Senate schedules puppy-mill vote today (Toledo Blade, 5/25/2016)

## Editorials

Election, anti-boycott bills ill-advised (Cincinnati Enquirer, 5/25/2016)

Wise voters needed if we want wise laws (Cincinnati Enquirer, 5/25/2016)

Bill protects property rights (Columbus Dispatch, 5/25/2016)

Don't interfere with our rights (Toledo Blade, 5/25/2016)

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**Ohio Report, Wednesday, May 25, 2016**

1 message

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To: sml@sarahlatourette.com

Thu, May 26, 2016 at 1:05 AM

**GONGWER** Ohio  
The Record of Capitol Square Since 1906**Ohio Report for Wednesday, May 25, 2016**

Medical Marijuana Bill Heads To Governor After Legislature Approves Plan

House, Senate Pass Dozens Of Measures Ahead Of Months-Long Break

Bills Regulating Disposal Of Fetal Remains, Pet Store Dog Purchases Among Hot-Button Issues Handled By Senate

Budget Update Measure Clears Legislature With Language On UC Debt, CILC, Foreclosures, Library Bonds, Other Provisions Sought By OBM

General Assembly Wraps Work On Education Bills Requiring CPR Training, Changing GED Structure

Lead Notification MBR Heads To Governor

Committee Vote On Pay Commission Delayed After Amendment Fails To Materialize

Physicians Say Bill To Give CRNAs Ordering Authority Could Put Patients At Risk

Fire Officials Continue To Call For Closure Of Arson Loophole

Governor's Appointments

Supplemental Agency Calendar

Senate Committee Hearings

Energy &amp; Natural Resources

Health &amp; Human Services

State &amp; Local Government

Agriculture

Finance

Transportation, Commerce &amp; Labor

Criminal Justice

Government Oversight &amp; Reform

Ways & Means

House Committee Hearings

Government Accountability & Oversight

Health & Aging

## Activity Reports

House

Senate

## Calendars

Day Planner

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7K



**May25.htm**

94K



**May25Senate.htm**

121K





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## House Activity for Wednesday, May 25, 2016

### PASSED

**SB FIREARM PENALTIES** (Hughes, J., LaRose, F.) To provide that a person who purposely causes the death of another as part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons is guilty of aggravated murder, to increase by 50% the mandatory prison term for an offender who is convicted of a firearm specification and previously has been convicted of a firearm specification; to prohibit violent career criminals from knowingly acquiring, having, carrying, or using any firearm or dangerous ordnance; to require a mandatory prison term for a violent career criminal convicted of committing a violent felony offense while armed with a firearm; to correct a provision regarding delinquent child dispositions for specifications; to provide certain prisoners credit for time spent in jail in determining eligibility to apply for judicial release; and to specify that no presentence investigation report is required for shock probation to be granted to an offender convicted of an offense before July 1, 1996.

79-7 (Amended)

**SB TRAFFIC VIOLATIONS** (Hughes, J.) To allow emergency personnel in public safety vehicles to report traffic law violations under certain circumstances.

87-0

Gongwer Coverage

**SB PRIOR AUTHORIZATIONS** (Gardner, R., Cafaro, C.) To amend the law related to the prior authorization requirements of insurers and to delay the effective date of certain laws regarding community mental health and addiction services.

86-0

**SB LICENSE PLATE** (Hughes, J.) To amend the law governing motor vehicle license plate county identification stickers, to create various license plates, to change the name of the Port Columbus International Airport to the John Glenn Columbus International Airport, and to designate a portion of State Route 2 in Cuyahoga County as the "Governor Richard F. Celeste Shoreway."

91-0

**SB BULLION TAXES** (Jordan, K.) To exempt from sales and use taxes the sale or use of investment metal bullion and coins, to expand eligibility for the fraternal organization property tax exemption to property of an organization operating under a state governing body that has been operating in Ohio for at least eight-five years, to extend the deadline for payments of quarterly municipal income tax withholding taxes, and to modify the rules for when municipal income tax withholding payments are considered to have been made.

80-5

**SB MOTOR VEHICLE SALES** (Uecker, J., Coley, B.) To revise the law governing new motor vehicle

**242**franchise agreements.

86-0

**SB NATURAL RESOURCES (Balderson, T.)** To revise specified laws relating to natural resources.

**293**

86-0

Gongwer Coverage

**SB VOTING HOURS (Seitz, B.)** To specify the conditions under which a court may order that a polling place **296**be kept open for extended hours on the day of an election and to require a person who votes pursuant to such an order to cast a provisional ballot.

61-32

**SB PUBLIC RECORDS (Faber, K.)** To create a procedure within the Court of Claims to hear complaints **321**alleging a denial of access to public records, to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees, to expand the infrastructure record exemption under Public Records Law, and to generally protect a private, nonprofit institution of higher education from liability for a breach of confidentiality or other claim that arises from the institution's disclosure of public records.

91-0

**HB TIF CREATION (Butler, J., Burkley, T.)** To establish a procedure by which political subdivisions proposing **12** a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and to permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response.

65-22

Gongwer Coverage

**HB NURSES (Pelanda, D.)** To revise the law governing advanced practice registered nurses.

**216**

86-1 (Antani) (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**HB VEHICLE INSURANCE (Henne, M.)** To generally prohibit individuals who do not maintain statutory **279**minimum levels of automobile insurance from collecting noneconomic damages for harm sustained in a motor vehicle accident.

52-32

Gongwer Coverage

**HB CIVIL FORFEITURES (McColley, R., Brinkman, T.)** To modify the laws governing criminal and civil **347**asset forfeitures, to revise the procedures upon a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit the state to file a civil action against the person who allegedly committed that offense under certain circumstances.

67-23

Gongwer Coverage

**HB FINANCIAL LITERACY** (Hagan, C., McColley, R.) To require one-half unit of economic and financial literacy in the high school social studies curriculum, to require the Chancellor of Higher Education to prepare an informed student document for each state institution of higher education, to require the State Board of Education to include information on the informed student document in the standards and model curricula it creates for financial literacy and entrepreneurship, and to entitle the act the "Informed Student Document Act."

69-16

Gongwer Coverage

**HB DOMESTIC VIOLENCE** (Sykes, E., Kuhns, C.) To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.

89-0

Gongwer Coverage

**HB SCHOOL ACTIVITIES** (McColley, R.) With regard to student participation in extracurricular activities and interscholastic athletics.

69-16

Gongwer Coverage

**HB PROTECTION ORDERS** (Boose, T.) To provide that an individual's statutory priority to decide whether or not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding.

92-0

Gongwer Coverage

**HB PALLIATIVE CARE FACILITIES** (Schuring, K.) Regarding palliative care facilities.

470

83-3

Gongwer Coverage

**HB CHILD ABUSE REPORTING** (Sears, B., Ryan, S.) To make changes in the child abuse and neglect reporting law.

76-4

Gongwer Coverage

**HB PAROLE ELIGIBILITY** (Manning, N.) To provide special parole eligibility dates for persons with an indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age,

- to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing.

90-4

**HBREAL ESTATE SALES (Smith, R.)** Relating to real estate brokers and salespersons.

**532**

■ 80-5

Gongwer Coverage

HOUSE CONCURS IN SENATE AMENDMENTS

**HBADOPTION ASSISTANCE (Pelanda, D., Grossman, C.)** To extend the age for which a person is eligible **50** for federal foster care and adoption assistance payments under Title IV-E to age twenty-one; to require that a guardian receive the Ohio Guardianship Guide; and to conform to recent amendments to federal Title IV-E program requirements.

87-7

Gongwer Coverage

**HBCOMPANION ANIMAL ABUSE (Hall, D., Patmon, B.)** To revise provisions and penalties regarding **60** treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse, and to modify the penalty for assaulting a police dog or horse to require, if the dog or horse is killed, a mandatory prison term and a mandatory fine to be paid to the law enforcement agency served by the dog or horse.

92-1

Gongwer Coverage

**HBCPR TRAINING (Grossman, C., Manning, N.)** To require public schools to provide students with **113** instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator, to require training for certain school employees in the use of an automated external defibrillator, to revise the law regarding the Joint Education Oversight Committee, high school equivalency tests, and the awarding of certificates of high school equivalence, and to make other revisions regarding the operation of primary and secondary schools.

81-11

Gongwer Coverage

**HBVETERAN IDENTIFICATION (Anielski, M., Terhar, L.)** To authorize a county recorder or county **173** veterans service office, with the approval of the board of county commissioners, to issue Ohio veterans identification cards.

94-1

Gongwer Coverage

**HBDEVELOPMENT ZONES (Schuring, K.)** To revise the law governing the creation and operation of joint **182** economic development districts (JEDDs) and enterprise zones, to exempt from property taxation real property owned by a nonprofit organization selected by the Federal Small Business Administration as an intermediary lender in the Federal Microloan Program, to lower the contribution threshold necessary to

maintain an income tax refund contribution "check-off" option, to extend the deadline for municipal corporations to report information to enable a computation of fiscal effects of recent changes to net operating loss deductions for municipal income tax purposes, and to modify eligible investment criteria for the state New Markets Tax Credit.

95-0

Gongwer Coverage

**HBEPINEPHRINE ACCESS** (Hagan, C.) Regarding procuring, storing, and accessing epinephrine **200**autoinjectors for which there are no patient-specific prescriptions and civil immunity of health professionals.

92-0

Gongwer Coverage

**HB911 LEVIES** (Brenner, A.) To authorize a county, township, or municipal corporation to impose a 9-1-1 **277**system levy in only the portion of the subdivision that would be served by the 9-1-1 system and to declare an emergency.

91-0

Gongwer Coverage

**HBWINERY PERMITS** (Young, R.) To create the Ohio Farm Winery Permit and to authorize the Division of **342**Liquor Control to issue a D-5l liquor permit to a premises that is located in a municipal corporation that is wholly within the geographic boundaries of a township, provided that a specified population density applies to the municipal corporation and township.

89-2

Gongwer Coverage

**HBLIQUOR LAWS** (Perales, R., DeVitis, T.) To increase the amount of spirituous liquor that an A-3a liquor **351**permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit.

70-2

Gongwer Coverage

**HBADDRESS CONFIDENTIALITY** (Duffey, M., Gonzales, A.) To create an address confidentiality program **359**for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery and to allow wireless service account transfer in a domestic violence situation.

90-0

Gongwer Coverage

**HBTAX EXEMPTION** (Schaffer, T., Retherford, W.) To provide authorization and conditions for the operation **390**of state programs and to make appropriations.

69-26

Gongwer Coverage

**HBFINANCIAL LITERACY (Terhar, L.)** To require the Chancellor of Higher Education to create the **391**SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year, to establish the Task Force for Creating Opportunities for Shared Governance on Co-Located Campuses, to provide support for the Ohio Youth Entrepreneur Program at Youngstown State University, to rename the Capitol Theatre of the Vern Riffe Center for Government and the Arts as the Speaker Jo Ann Davidson Theatre, and to make an appropriation.

95-1

Gongwer Coverage

**HTOWNSHIP LAW (Brinkman, T.)** To add to the purposes for which a board of township trustees may go **413**into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to expand the cemetery purposes for which such boards may levy a tax or expend township funds, to make other changes to the township laws or laws relating to township authority, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, to remove the limitations on the authority to reappoint members of the Ohio Small Government Capital Improvements Commission, to authorize boards of township trustees and boards of park commissioners to expend funds for the public purpose of presenting community events in their parks and other recreational facilities, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds.

92-0

Gongwer Coverage

**HBAUTO TECHNICIANS (Antani, N., Reineke, B.)** To allow employers of automotive technicians and motor **429**vehicle technicians to participate in the Incumbent Workforce Training Voucher Program, to revise what constitutes treatment of hazardous waste, to define and regulate autocycles for purposes of the Motor Vehicles Law, and to amend the versions of sections 4501.01, 4503.04, 4503.21, 4503.22, 4503.544, and 4511.53 of the Revised Code that are scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date.

91-2

Gongwer Coverage

**HBDEVELOPMENTAL DISABILITIES (Amstutz, R.)** To modify programs administered by the Department **483**of Developmental Disabilities, to modify certain laws pertaining to tax levies for developmental disabilities, to modify certain laws regarding ABLE savings accounts and Ohio's disability savings account program, to designate October as "Disability History and Awareness Month," to require acceptance of certain certificate of need applications regarding relocation of long-term care facility beds, to remove behavioral health services from inclusion as direct care costs of nursing facilities, to delay certain laws regarding community behavioral health services, and to make an appropriation.

91-3

Gongwer Coverage

**HBMEDICAL MARIJUANA (Huffman, S.)** To authorize the use of marijuana for medical purposes and to **523**establish the Medical Marijuana Control Program.

Gongwer Coverage

## COMMITTEE HEARINGS

Government Accountability &amp; Oversight

**SJR COMPENSATION COMMISSION** (Faber, K.) To establish the Public Office Compensation**1** Commission. (CONTINUED (See separate story); 7th Hearing-All testimony-Possible amendments & vote)**HB AUTISM TREATMENT** (Grossman, C., Terhar, L.) To mandate coverage of autism treatment.**350** (REPORTED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)

Health &amp; Aging

**HB NURSES** (Pelanda, D.) To revise the law governing advanced practice registered nurses. (REPORTED-**216** SUBSTITUTE; 4th Hearing-All testimony--Possible substitute & vote)

Members adopted a substitute version of the bill that makes a handful of changes, including allowing physicians to collaborate with up to five APRNs instead of three and creating an advisory committee to the Board of Nursing on APRN issues. (Comparison Document)

Tim Maglione, senior director of government relations for the Ohio State Medical Association, said the revisions ally some of the concerns of members.

"With regard to Advanced Practice Registered Nurses, we have consistently expressed our respect for them and the important contributions they bring to the health care team," he said. "We recognized that their practice needed modernizing and we appreciate being part of the discussion to do so. The substitute version before you today preserves the collaborative model of care, yet makes meaningful updates to the Nurse Practice Act for APRNs."

Rep. Antonio applauded the sponsors and interested parties for working together to make compromises and find consensus.

**HB SEXUAL ORIENTATION THERAPY** (Driehaus, D., Phillips, D.) To prohibit certain health care**247** professionals from engaging in sexual orientation change efforts when treating minor patients.**1** (CONTINUED; 1st Hearing-Sponsor)

Joined by LGBT advocates from Athens, the sponsors said the measure aims to protect youth from the often harmful impacts of conversion therapy, which is targeted toward changing patients' sexual identities.

"Conversion therapy plays a sort of psychological tug-of-war with our children at a pivotal and sensitive time in their lives," Rep. Driehaus said. "They are discovering themselves and experiencing rapid physical and emotional change. Rather than supporting our children during this difficult time, conversion therapy endangers them by portraying their feelings as wrong and making them feel as though their feelings are not valid."

"Discussions about our children and their futures should be left to informed medical professionals, whose practices are based on proven, evidence-based medical science, not speculative theories and false claims that this type of therapy is good for our kids," she continued.

The majority of young LGBT people experience rejection when coming out to their families and are at high risk of homelessness and committing suicide, Rep. Phillips said. Transgender adults report having ever attempted suicide at a rate of 41% compared to 5% of all adults.

About 40% of homeless youth are LGBT, she added.

"Those statistics should give us pause," Rep. Phillips said. "This should not be a partisan matter, because we all want to protect youth from assault, homelessness, and the risk of suicide."

Rep. Driehaus said a Cincinnati City Councilman underwent conversion therapy when he was younger and years later says he still lives daily with the negative impacts it had on his psyche.

Answering questions from the panel, Rep. Phillips said medical professions stopped considering LGBT as a condition that needed to be cured and many of the practices that still practice conversion therapy are private or religiously affiliated.

**HB TRAUMA SYSTEM** (Grossman, C., Huffman, S.) To establish the State Trauma Board in the Ohio Department of Health, to require that facilities that provide trauma care be designated by the Board as level I, II, or III trauma centers, and to provide that the amendment by this act to section 101.82 of the Revised Code terminates on December 31, 2016. (**REPORTED-AMENDED (No testimony)**; 9th Hearing-Possible vote)

Rep. Huffman said the amendment that became part of the bill would add a \$750,000 appropriation from the General Revenue Fund to establish the board. The bill will now move to Finance Committee, Chairwoman Gonzales said.

**HB RETIREMENT SYSTEMS** (Schuring, K., Ramos, D.) To revise the law governing the state's public retirement systems. (**CONTINUED**; 4th Hearing-All testimony--Possible substitute)

Smita Mathur, professor of astronomy at The Ohio State University and founding president of the Faculty Association of ARP Participants, opposed the alternative retirement plan portions of the measure and suggested amendments.

Current ARP participants should be offered a one-time opportunity to join STRS and to buy into the plan via rollover of past acclamations from their ARP accounts, she said. Those who choose not to join STRS should be awarded partial benefits from that plan in proportion to their contributions through the mitigation rate.

If that's not possible, the mitigation rate should be set at zero, Dr. Mathur suggested, saying that many faculty members were unaware a portion of their retirement payments would go to STRS for the mitigation rate.

"We were never told about this. On the contrary, we were told that the two retirement plans - Defined Benefit and Defined Contribution - are equivalent," she said. "Many of us would not have opted for ARP if we had known that about a third of our employer contribution would be diverted into STRS. Some of us would not have come to an Ohio university if we had known this. We have been told consistently that the employer contribution to our retirement benefit is 14%, when it is actually 9.5%."

OSU professor Nicholas Basta also criticized the current plan set-up, saying that many new faculty hires are choosing ARPs because of their portability.

He said the current mitigation rates are a turn off to faculty members OSU and other universities are attempting to recruit.

"The STRS mitigation rate tax imposed on ARP faculty hurts our ability to attract and retain high quality faculty at many Ohio universities," he said. "Faculty will not remain at a university once they learn their retirement is being plundered by STRS. News that Ohio is diverting retirement funds from the university to faculty into the state pension system resulted in great distress to our ARP faculty."

**HB NURSE ANESTHETISTS** (Schuring, K.) Regarding the authority of certified registered nurse anesthetists to select, order, and administer drugs and to direct certain other persons to administer drugs or perform clinical support functions. (**CONTINUED (See separate story)**; 3rd Hearing-Opponent)

**SB CARDIAC ARREST** (Hite, C., Patton, T.) With regard to sudden cardiac arrest in youth athletic activities.



**252 (REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony--Possible vote)**


LSC explained a technical amendment that includes osteopaths and references to youth sports organizations that were inadvertently left out of the bill.

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Click the  after a bill number to create a saved search and email alert for that bill.

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**GONGWER** Ohio  
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## Daily Activity Planner for Thursday, May 26

### Legislative Committees

**Joint Medicaid Oversight Committee** (Committee Record) (Chr. Burke, D., 466-1731), Senate Finance Hearing Rm., 10 a.m.

- Ohio's Alcohol and Drug Addiction Treatment System: Current State and Future Direction. Presentations by Dr. Mark Hurst, Medical Director, OMHAS; Lori Criss, Ohio Council of Behavioral Health Providers; Cheri Walter, Ohio Association of County Behavioral Health Authorities; M. Kathryn Spergel, Mental Health & Recovery for Licking and Knox Counties and Wendy Doolittle, McKinley Hall

~~Canceled: **Senate Rules & Reference** (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 10 a.m.~~

~~Canceled: **House Session** (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.~~

- If needed. At the call of the chair.

~~Canceled: **Senate Session** (Chr. Faber, K., 466-4900), Senate Chamber, 11 a.m.~~

- If needed

~~Canceled: **Correctional Institution Inspection Committee** (Chr. Hite, C., 466-8150), North Hearing Rm., 1:30 p.m.~~

- Presentations from the Department of Rehabilitation and Correction on Restrictive Housing and the Department of Youth Services on Female Population and Seclusion; Reports on recent CIIC Inspections of North Central Correctional Complex and Lighthouse Youth Center

### Agency Calendar

**BWC Board of Directors**, Rm. 3, Level 2, 30 W. Spring St., Columbus, 8 a.m.

~~Canceled: **Tuition Trust Authority**, 77 S. High St., 31st Fl., West B&C, Columbus, 10 a.m.~~

**State Fire Council**, 8895 East Main St., Reynoldsburg, 11 a.m.

**Criminal Justice Recodification Committee**, Senate Finance Hearing Rm., Statehouse, Columbus, 1 p.m.

### Event Planner

**2016 Kids Health Conference**, Sheraton Hotel, Capitol Square, Columbus, (Hosted by Voices for Ohio's Children)

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# GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #85, Report #101 -- Wednesday, May 25, 2016

## Medical Marijuana Bill Heads To Governor After Legislature Approves Plan

A bill to legalize medical marijuana in Ohio is headed to the governor's desk after receiving final legislative approval on Wednesday night.

The Senate approved the measure ([HB 523](#)) by a vote of 18-15, with four Democrats joining 11 Republicans in opposition. Hours later, the House voted 67-28 to accept the Senate's changes.

In making the argument for the bill before the Senate, backers [Sen. Dave Burke](#) (R-Marysville) and [Sen. Kenny Yuko](#) (D-Richmond Hts.) took different approaches.

Sen. Burke, who joined Sen. Yuko on a three-city listening tour to explore the issue and later shepherded the bill through a number of changes in the Senate Government Oversight and Reform Committee, said the bill wasn't perfect, but it was better than the legislature doing nothing.

Public support exists for medical marijuana, he said, as evidenced by polling from last year's failed Issue 3 vote, but passage of a constitutional amendment at the ballot in November would institute a program that would be nearly impossible to adjust.

"The bill you see before you today is subject to change and maturity as Ohioans change and mature," he said.

The measure was carefully crafted to limit the possibility for diversion and abuse, Sen. Burke said.

"It does not allow for home grow," he said. "It does not allow for smoking. It does not allow for recreational use."

Sen. Yuko discussed what medical marijuana could do for patients of debilitation and difficult-to-treat diseases in Ohio. He shared stories from patients who testified about how marijuana has helped them reduce seizures and fight chronic pain without the risks of opioid painkillers.

"There is no reason why we should make Ohioans suffer any longer," he said. "This bill's not perfect, folks, but it's what Ohio needs."

Voting against the bill were Senate [President Keith Faber](#) (R-Celina), President Pro Tem [Larry Obhof](#) (R-Medina), Majority Leader [Tom Patton](#) (R-Strongsville), Republican Sens. [John Eklund](#) (R-Chardon), [Cliff Hite](#) (R-Findlay), [Jay Hottinger](#) (R-Newark), [Jim Hughes](#) (R-Columbus), [Shannon Jones](#) (R-Springboro), [Kris Jordan](#) (R-Ostrander), [Bob Peterson](#) (R-Sabina) and [Joe Uecker](#) (R-Loveland), and Democratic Sens. [Capri Cafaro](#) (D-Hubbard), [Lou Gentile](#) (D-Steubenville), [Michael Skindell](#) (D-Lakewood) and [Sandra Williams](#) (D-Cleveland).

[Sen. Bill Coley](#) (R-Liberty Twp.) said the bill is carefully written to prevent a number of problems that have happened in other states, such as money laundering associated with the cash-based nature of a business that is technically illegal under federal law, and the creation of medical programs that are broad enough to basically allow recreational marijuana.

"It is the best option possible to prevent a travesty," he said.

Speaking in opposition, Sen. Hottinger said he believed the list of conditions for which marijuana can be prescribed was too broad, saying there was not enough evidence that marijuana treated all of the conditions.

"What we have before us today is not simply a child suffering seizures from epilepsy, but something that's much greater than that. I believe the list that is enumerated is too broad," he said.

Sen. Bill Seitz (R-Cincinnati) placed the blame for the lack of research and inability of patients to use marijuana as a treatment at the federal government, saying keeping the drug at Schedule I, meaning it has no medical use, has limited research.

"I think the reason why this bill is a good bill is because we are finally as a General Assembly, if we pass this, going to point the finger at the federal government and return to the states, where it belongs, the power to make our own drug laws."

President Faber said after the vote that he opposed it because he had concerns from what he heard from law enforcement and that prolonged use has not been scientifically tested, though he said having the language added to the constitution would be "absolutely abhorrent."

"If it were just about kids and epilepsy or cancer patients...I don't know anybody would be opposed to that," he said. "I thought it was something I couldn't support for my district."

The bill's sponsor, Rep. Steve Huffman (R-Tipp City), said the Senate improved the bill with its changes, which included putting different aspects of the medical marijuana system under the Board of Pharmacy, State Medical Board and Department of Commerce, rather than under a Medical Marijuana Control Commission under DOC in the version passed by the House two weeks ago. (See Gongwer Ohio Report, May 10, 2016)

"They improved the bill and continued the well-thought-out process we started here in the House," he said. "This bill continues to keep the focus on the patient, the will of the treating physician, and the needs of the people of Ohio who they serve."

Rep. Dan Ramos (D-Lorain), who played a major role in the bill's move through the House, said the bill is not perfect will help Ohioans in need.

"We needed to do our due diligence, and we did that," he said. "It's time to give our constituents some relief with this form of medication."

Despite the bill's passage, Ohioans for Medical Marijuana, which is pushing a constitutional amendment for the November ballot to legalize medical marijuana, plans to continue. Their proposal includes a few provisions not in the bill, including legalizing home grow and the smoking of marijuana.

"This General Assembly has taken a step forward on this issue," Aaron Marshall, spokesman for Ohioans for Medical Marijuana, said in a statement. "Their support for medical marijuana speaks volumes for eliminating any remaining biases against allowing doctors to recommend this life-enhancing treatment to patients in need."

"Our Constitutional amendment builds on the legislature's work by incorporating national best practices and offers voters an opportunity to enact a law free of the horse-trading inherent in the legislative process," he added. "Our amendment also protects the rights of patients in the Ohio Constitution, not leaving this important issue vulnerable to the reach of special interests."

**Committee Action:** The Senate Government Oversight and Reform Committee reported the bill earlier Wednesday in a 7-5 vote, with Sens. Jordan, Obhof, Patton, Peterson and Skindell opposed.

The committee also adopted a number of amendments, including changes offered by Sen. Burke allowing the State Medical Board to draft continuing education for physicians regarding medical marijuana, allowing for a doctor's ability to recommend marijuana to be revoked if his or her medical license is revoked and clarify that dispensary staff cannot access patient's full medical records in OARRS.

Other amendments stated patients could not be discriminated against in housing searches because of their status, shortened the distance marijuana facilities must be from schools and playgrounds to 500 feet, added offenses to list that would not disqualify someone from being licensed after five years, and made exceptions to increase colleges and universities' ability to have lab testing and research.

An amendment offered by Sen. Edna Brown (D-Toledo) to allow those fired for medical marijuana to receive unemployment benefits was tabled.

### House, Senate Pass Dozens Of Measures Ahead Of Months-Long Break

In marathon sessions that completed legislative work before what is expected to be a lengthy summer recess, the House and Senate passed dozens of bills Wednesday, including a measure that would allow for a new form of voter registration.

A proposal (SB 63) that would make way for online voter registration, although not until after Jan. 1, 2017, awaits the governor's signature after the Senate voted unanimously to concur with amendments adopted by the House.

Sen. Frank LaRose (R-Copley Twp.) urged fellow senators to accept the changes, although he did so with "some degree of regret" because the House amended the bill to delay its provisions until after the November presidential election.

"What that means is that Ohioans are not going to be allowed to use this excellent system until 2017," he said.

In a statement, Secretary of State Jon Husted praised the Senate's approval of the bill.

"Online registration makes voting easier, more secure and saves tax dollars, helping meet the goal of making Ohio a place where it's easy to vote and hard to cheat," he said. "I have long advocated for the creation of an online voter registration system and I'm grateful for the support and leadership of those in the General Assembly who have helped advance this important cause."

The bill was just one of dozens of proposals - many of them controversial - the chambers considered during stop-and-start sessions that spanned several hours. (*See separate stories and House & Senate Activity Reports*)

Known as the Developmental Disabilities MBR, a bill (HB 483) making a number of changes to programs affecting people with disabilities also handily passed the Senate after being amended.

The change, offered by Sen. Sandra Williams (D-Cleveland) re-appropriates \$500,000 for a program of the Cuyahoga County Department of Job and Family Services to be used in fiscal year 2017, as opposed to fiscal year 2016. The department was not able to use the funding this fiscal year, she said.

The Senate also voted unanimously to pass a bill (HB 429) to extend incumbent workforce training programs to people who work as auto mechanics. Two amendments added in committee also ensured the state's hazardous waste disposal laws were in line with federal regulations, and provided for the licensing of autocycles.

The Senate voted 32-1 to approve a measure (HB 466) to exempt digital advertising services from sales and use tax, with Sen. Michael Skindell (D-Lakewood) the only opponent.

A bill (HB 413) making a number of changes to laws regarding townships, including reducing the population limit at which a township can institute a limited home rule government from 3,500 to 2,500, passed the Senate unanimously.

The Senate passage of a bill (HB 359) to permit domestic violence or trafficking victims to use the Secretary of State's office as a P.O. Box for mail forwarding drew praise Secretary Husted.

"Ohioans will no longer be faced with the choice of exercising their personal liberties or protecting their personal safety," Mr. Husted said in a statement. "The Safe at Home address confidentiality program will shield the addresses of survivors of domestic violence, human trafficking, stalking and other crimes from public record."

During its multi-hour session, the House approved a measure that would limit the ability of uninsured drivers to collect non-economic damages for harm sustained in an accident.

House Democrats accused their Republican counterparts of using the measure (HB 279) to deprive poor individuals of their constitutional right to equal access to the court system.

Rep. Christie Kuhns (D-Cincinnati) said she appreciated last-minute changes that would provide exemptions if the uninsured driver is under the age of 18, the driver that causes the accident is charged with a four- or six-point moving violation or is texting while driving. Another change clarifies that a driver without insurance cannot claim economic damages from an accident if he or she was cited for an incident of driving without insurance in the past seven years.

However, she said those changes did not go far enough.

"I believe that it still violates the essence of having open courts to people of all socioeconomic backgrounds," she said.

She and Rep. Mike Ashford (D-Toledo) both said the bill will not encourage individuals who are struggling financially to rush out and purchase car insurance because they cannot afford to do so.

However, sponsoring Rep. Michael Henne (R-Clayton) said the bill is designed "to target the habitual, flagrant and repeat offenders."

"Those who choose not to participate in the system should not receive the full benefits of that system," he said.

He also noted that insured drivers who are in an accident caused by an uninsured driver are often forced to pay for their own medical bills and car repairs. He went on to question whether Democrats were advocating allowing some to break the law.

"What other law do we exclude people from? The really hungry, should they be allowed to steal from a store?" he asked.

In a separate vote, the House also approved a measure that would rename Port Columbus International Airport as the "John Glenn Columbus International Airport" and State Route 2 in Cuyahoga County the "Governor Richard F. Celeste Shoreway."

"I cannot think of anyone else that is more befitting of the honor," Speaker Cliff Rosenberger (R-Clarksville) said of the airport renaming.

In another unanimous vote, the House also approved a measure (HB 392) would will add intimate partner relationships to the state's domestic violence laws.

One-in-three women will be victims of intimate partner violence at some point in their lifetimes, according to sponsoring Rep. Emilia Sykes (D-Akron).

"It closes a loophole in Ohio law that prevents a victim of dating violence from accessing the right to civil protection," she said, noting that just two states currently have such a loophole.

The House also unanimously passed the administration's mid-biennium review bill (SB 293) on natural resources.

Under the measure, the Division of Parks and the Division of Watercraft would be merged into one division called the "Division of Parks and Watercraft."

"Ohioans will benefit from a one stop shop for all their recreational needs," Rep. Al Landis (R-Dover) said.

The House voted 67-23 to pass a bill (HB 347) that would greatly alter the civil asset forfeiture process.

Rep. Rob McColley (R-Napoleon) said the bill would revise the process, which allows the government to seize a person's property because of its alleged involvement in a crime. The bill originally eliminated civil forfeiture altogether, requiring law enforcement to go through a more difficult criminal forfeiture process, but has been changed to allow civil forfeiture under certain situations, such as when the property owner has died, cannot be located, if they've fled the justice system or if they have not claimed the property.

Rep. McColley said the bill protects people from losing property for crimes when they were not convicted.

"These are central principles of our criminal justice system, that an individual is innocent until proven guilty," he said.

Rep. Greta Johnson opposed the bill, saying it would hinder law enforcement's ability to fight the state's heroin epidemic.

"The opposition of the (Fraternal Order of Police) and the prosecutors should not be taken lightly. These are the folks on the front line," she said. "This bill puts limitations on their ability to run large-scale trafficking investigations."

The House also voted 65-22 to approve a bill (HB 12) applying an overlay to a district Tax Increment Financing District, which Rep. Tony Burkley (R-Paulding) said would discourage gerrymandering.

The House also passed measures to:

- Allow emergency personnel in public safety vehicles to report certain traffic law violations (SB 123);
- Revise the law governing advanced practice registered nurses (HB 216);
- Prevent an individual from deciding whether to withhold or withdraw life-sustaining treatment for a relative if the person is a subject of a temporary protection order or civil protection order (HB 451);
- Require Medicaid and other health insurers to allow patients and prescribers the option of using abuse-deterrent opioid painkillers (HB 248);
- Allow a single child abuse or neglect report to be made by a health care professional in cases in which more than one professional has provided health care services to a child and the professionals determine or suspect the child to be abused or neglected (HB 493);
- Require the Department of Health to regulate palliative care facilities through a licensing process similar to that of hospice care programs and pediatric respite care programs (HB 470), and;
- Permit the pre-licensure, post-licensure, and continuing education requirements for real estate brokers and salespersons to be completed by distance education (HB 532).

Among other measures passed by the Senate were bills to:

- Increase penalties for harming companion animals (HB 60);
- Extend the age eligibility for foster care and adoption assistance from 18 to 21 (HB 50);



- Require public schools to provide students and staff with hands on CPR and AED training ([HB 113](#));
- Increase the amount of heroin that must be trafficked or possessed to be eligible for the maximum prison term for a first degree felony ([HB 171](#));
- Permit counties to issue veterans ID cards ([HB 173](#));
- Permit the sale of wine at local farmers markets via certain permits ([HB 178](#));
- Improve the process by which joint economic development districts and enterprise zones are created ([HB 182](#));
- Expand access to epinephrine auto-injectors by permitting local entities prone to the presence of severe allergens to possess and administer them without a license ([HB 200](#));
- Eliminate double taxation in areas in which county and city emergency services overlap ([HB 277](#));
- Create an "Ohio Farm Winery" liquor permit to allow the direct sales of wines on farms on which they are produced ([HB 342](#)), and;
- Allow microdistilleries to apply for an A-1-A liquor permit currently available to craft beer and wine makers and increasing the manufacturing limit for those distilleries from 10,000 to 100,000 gallons a year ([HB 351](#))

The Senate also passed a pair of resolutions: one ([HCR 26](#)) to support the Military BratPin, and a second ([SCR 15](#)), which passed along party lines, to "reassert principals of federalism" contained in the constitution.

**Subscribers Note:** Full lists of both chambers' actions Wednesday may be found in the *Gongwer News Service House and Senate Activity Reports*.

## Bills Regulating Disposal Of Fetal Remains, Pet Store Dog Purchases Among Hot-Button Issues Handled By Senate

Contentious legislation on fetal remains and pet store regulations were among several bills processed through the Senate Wednesday during what's expected to be the final full session for several weeks.

A majority of the bills are headed on to the governor following House concurrence, with upper chamber members concurring on a handful of changes made to their bills as well. (*See separate stories*)

Despite the controversy surrounding an investigation that prompted its introduction, minimal debate led up to Republicans passing a bill ([SB 254](#)) detailing how abortion providers must dispose of fetal remains.

Under the bill, abortion providers would be able to dispose of fetal remains either through cremation or interment, a decision that would be made by the woman who sought the abortion, said sponsoring Rep. [Sen. Joe Uecker](#) (R-Loveland). A violation of the law would be a first-degree misdemeanor.

[Sen. Bill Coley](#) (R-Liberty Twp.) spoke in support of the measure, saying he doesn't want archeologists who someday dig up Ohio to find mass graves of fetal remains.

"We show respect for all life at all stages and make sure we place the remains in the appropriate location," he said.

Democrats voted against the measure, with [Minority Leader Joe Schiavoni](#) (D-Boardman) arguing that it's not the legislature's place to require a woman to make a decision about fetal remains at the time of an abortion.